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**HOUSE OF COMMONS
OFFICIAL REPORT**

**PARLIAMENTARY
DEBATES
(HANSARD)**

Tuesday 23 October 2018

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The House met at half-past Eleven o'clock

PRAYERS

[MR SPEAKER *in the Chair*]

Oral Answers to Questions

HEALTH AND SOCIAL CARE

The Secretary of State was asked—

NHS Innovation

1. **Scott Mann** (North Cornwall) (Con): What steps he is taking to introduce innovative technology into the NHS. [907208]

14. **Julian Sturdy** (York Outer) (Con): What plans the Government have to improve access to innovative treatments and technologies in the NHS. [907222]

The Secretary of State for Health and Social Care (Matt Hancock): We are bringing a tech revolution to the NHS to improve patient outcomes and reduce waste. Today I am delighted to announce the selection of the first batch of products under the accelerated access collaborative, as well as funding for tech test beds to ensure that more patients get faster access to the most effective innovations.

Scott Mann: I am grateful to the Secretary of State for his answer. Will he expand further on the recent announcement of the wave 2 test beds project and how it could deliver better outcomes for my residents down in Cornwall?

Matt Hancock: The tech test beds programme is about ensuring that we have units around the country that will support local collaborations between the NHS, tech companies and academia to harness new technologies right across the land, including—and no doubt—in Cornwall.

Julian Sturdy: The National Institute for Health and Care Excellence has so far declined to recommend the new drug Spinraza, despite its ability to transform the lives of patients such as my young constituent Matilda Jamieson, who suffers from type 3 spinal muscular atrophy. As NICE meets today to finalise the guidance, will my right hon. Friend assure me that he will work with the manufacturers, NHS England and NICE to ensure that patients such as Matilda can benefit from that drug?

Matt Hancock: I pay tribute to my hon. Friend for making that case so powerfully. We work very closely with NICE, which is rightly the objective decision maker that makes recommendations for Ministers to follow about what drugs should and should not be accessed through the NHS. He makes the case very strongly.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): This question is about innovative technology in the health service. What is the Secretary of State saying today to scientists? For example, 97% of people from the Francis Crick Institute say that our science and our bioscience are in danger because of Brexit. What is he going to do about technology that is suitable for the health service?

Matt Hancock: The scientists, like me, want a Brexit that is based on a good deal for the UK, and that is what we are seeking to deliver. In any case, we have put more money into the science budget than ever before, so no matter what the outcome of the negotiations, there will be more support for science in Britain.

Sir Vince Cable (Twickenham) (LD): One of the innovative technologies is the new production and distribution system for flu jabs for the over-65s. Is the Secretary of State aware that this technology is breaking down? In my constituency and elsewhere, there are doctors and pharmacists who simply cannot get hold of stocks, which leads to potential pressures in hospitals. Will the Secretary of State investigate and take action if necessary?

Matt Hancock: Having a flu jab is incredibly important, and I hope that Members on both sides of the House have taken the opportunity to do so, including the right hon. Gentleman, with whom I enjoyed working for many years. We have a phased roll-out of the flu jab, making sure that we get the best flu jab most appropriately to the people who need it most, and of course we keep that under review.

Dr Sarah Wollaston (Totnes) (Con): Digital health tools, including decision-support software, have a great potential to increase the quality, safety and cost-effectiveness of care for patients, and nowhere is that more important than in reducing antimicrobial resistance. Will my right hon. Friend respond to the points that we on the Health and Social Care Committee make in our report about the variation in roll-out, which is wholly unacceptable, and what measures will he take to make sure that it is clear where the responsibility for this lies?

Matt Hancock: I pay tribute to the Select Committee for the report on AMR that was published yesterday. Of course, digital tools such as the one that my hon. Friend mentions are important in making sure that we make the best use of antibiotics and counter antimicrobial resistance as much as possible.

Jonathan Ashworth (Leicester South) (Lab/Co-op): If we have a “technological revolution”, in the words of the Secretary of State, surely that depends on capital investment, but that has been cut by £1 billion. For example, we have the lowest numbers of CT and MRI scanners on average in the OECD, hospitals are reliant on 1,700 pieces of out-of-date equipment, and

the hospital repair bill now stands at £6 billion. If austerity has ended, can he tell us when this maintenance backlog will be cleared?

Matt Hancock: Unlike with the failed national programme for IT, we are delivering modern technology in the national health service. That is underpinned by a record commitment of £20 billion extra for the NHS over the next five years, accompanied by a long-term plan that will show how we will support the NHS and make sure that it is guaranteed to be there for the long term.

Jonathan Ashworth: But I asked the Secretary of State about capital budgets, not revenue budgets.

Innovative technology can play a role in prevention, but so do public health budgets. With health inequalities widening, infant mortality rising in the most deprived parts of the population, rates of smoking in pregnancy remaining higher than the EU average and child obesity levels getting worse, will the Secretary of State commit, alongside an investment in technology, to reversing the £700 million of cuts to public health, or is the reality that his promises on prevention are entirely hollow?

Matt Hancock: I am afraid that the hon. Gentleman has it slightly muddled up, because technology does involve capital investment, but it also includes revenue investment to ensure that the service element of any technology can continue to be delivered. Maybe he should have another look at how technology is delivered these days. Alongside the capital budget, we have record spending on the NHS to ensure that it is there for the long term. Of course public health is an important element of that, and there has been £16 billion for public health over this spending review period because it really matters.

Childhood Obesity

2. **Peter Aldous** (Waveney) (Con): What steps he is taking to reduce rates of childhood obesity. [907209]

8. **Mary Robinson** (Cheadle) (Con): What steps he is taking to reduce rates of childhood obesity. [907216]

The Parliamentary Under-Secretary of State for Health and Social Care (Steve Brine): This June we published chapter 2 of the childhood obesity plan, which built on the world-leading measures we introduced in 2016 and included bold plans to halve childhood obesity by 2030. Our consultations on banning energy drinks and on calorie labelling are now open. Later this year we will be consulting on promotion and marketing restrictions, including suggestions of a 9 pm watershed.

Peter Aldous: The feedback that I receive locally in Waveney is that childhood obesity needs to be tackled by Government Departments, clinical commissioning groups, medical centres and councils working together, whether in schools or by encouraging breastfeeding and the preparation of weaning foods. Can the Minister confirm that he is pursuing such a multi-agency approach?

Steve Brine: I can, and the plan covers many Departments, which was why I recently announced the trailblazer programme to support innovative local action with local authorities. That has the commitment of key

policy teams across many Departments to support participating councils to harness the potential of what they can do and learn from others.

Mary Robinson: One in five children in Greater Manchester are classified as overweight or obese, but Prospect Vale Primary School in Heald Green is just one of the schools in my constituency that are getting on and getting moving through the Daily Mile campaign. Will the Minister join me in welcoming that initiative, which brings daily fun and fitness into schools? As more and more adults use wristbands to help them to get fit, what consideration is being given to the use of technology, such as in the UK Fit Kids programme?

Steve Brine: Like my hon. Friend, I pay tribute to Prospect Vale. I have many similar examples in Winchester. We absolutely recognise the importance of physical activity in tackling obesity, which is why as part of chapter 2 we are promoting a new national ambition for all primary schools in England to adopt an active mile initiative.

John Cryer (Leyton and Wanstead) (Lab): So further to the Minister's previous answer, why did the Government abolish school sport partnerships?

Steve Brine: This Government are investing heavily in school sports through the school sport premium. For instance, the money raised from the soft drinks industry levy—the sugar tax—is going directly to supporting schools' investment in sports, for instance through the Daily Mile campaign, which has just been mentioned.

Alison Thewliss (Glasgow Central) (SNP): Scotland's diet and healthy weight delivery plan contains specific recognition that breastfeeding can be a means of preventing obesity. Will Ministers engage with the all-party group on infant feeding and inequalities to see what more can be done in England through early breastfeeding to prevent children from becoming obese later on in life?

Steve Brine: Yes, and I am a big supporter of breastfeeding—I have supported it a lot in my constituency, and we engage regularly with the sector. I will be interested in any proposals that the hon. Lady has.

NHS: Value for Money and Efficiency

3. **Damien Moore** (Southport) (Con): What steps he is taking to improve value for money and efficiency in the NHS. [907210]

7. **Alan Mak** (Havant) (Con): What steps he is taking to improve value for money and efficiency in the NHS. [907215]

The Minister for Health (Stephen Barclay): Having committed an additional £20 billion in real terms, the Government are asking the NHS to deliver a long-term plan that includes continued improvements in productivity and efficiency, and we are reinvesting the savings in improved patient care.

Damien Moore: I congratulate my hon. Friend on his drive to recycle more hospital equipment such as zimmer frames, crutches and wheelchairs, but what steps is his

Department taking to encourage more hospitals such as Southport Hospital in my constituency to run recycling programmes to reduce waste in our NHS?

Stephen Barclay: I am keen to work with my hon. Friend to encourage Southport and other trusts to recycle equipment. I know from my family's experience that it causes significant frustration when people see hospitals not collecting perfectly good medical equipment that could be recycled. I am keen to work with him and with trusts to ensure that we learn from that.

Alan Mak: Digitising patient records and removing outdated technologies such as fax machines can improve productivity and patient care across the NHS. What steps is my hon. Friend taking to prepare the NHS for the fourth industrial revolution?

Stephen Barclay: I commend my hon. Friend for his excellent report for the Centre for Policy Studies, which highlights the opportunities provided by technology. I was at a Scan4Safety event last night, looking at how barcodes are being used at six trusts, and at how that could be expanded to deliver 4:1 efficiency savings and improve patient care through the safety it offers.

Laura Smith (Crewe and Nantwich) (Lab): Does the Minister believe that the practice of cutting funding to hospitals that miss A&E targets helps to improve the patient experience at those hospitals? Will he agree to meet me to discuss how this issue has affected Leighton hospital, which serves my constituents?

Stephen Barclay: The hon. Lady may have missed our recent announcement of significant additional funding, ahead of winter pressure, to assist hospitals. As the Secretary of State announced, the extra £20.5 billion real-terms increase is part of a wider commitment to support our hospitals.

Mr David Lammy (Tottenham) (Lab): Jack Adcock's death was a tragedy, but why did the General Medical Council spend £30,000 on getting Dr Hadiza Bawa-Garba struck off, even though she had already faced the consequences of her mistakes in court? Does the Minister think that the GMC needs to sort its act out and that Charlie Massey should resign?

Stephen Barclay: As the right hon. Gentleman will be aware, Professor Norman Williams looked at the circumstances of this case and produced a report on it for the Government. As a part of that, we are looking at a number of factors.

David Tredinnick (Bosworth) (Con): Is the Minister aware that in terms of value for money and efficiency, the Government of India's integrated health Ministry has half a million ayurvedic doctors and a quarter of a million homeopathic doctors? At a clinic I visited recently in Karnataka province, four fifths of the patients who would have normally gone to see a western doctor were treated by those local doctors. Will he build links with the Indian Ministry of Ayurveda, Yoga & Naturopathy, Unani, Siddha and Homoeopathy?

Stephen Barclay: I pay tribute to my hon. Friend for the longevity and sincerity of his campaigning on these issues. He draws attention to the wider point of how

patients presenting with multiple and complex conditions need to be treated in multiple ways, and what he refers to is a part of that wider discussion.

Dr Philippa Whitford (Central Ayrshire) (SNP): NHS England is being ripped off to the tune of £230 million a year as the price of some off-patent drugs and non-standard preparations, or specials, have been hiked up hundreds of times, for example to over £1,000 for a bottle of pain-relieving mouthwash. In Scotland, specials remain in-house to keep the price down, but a year and a half on from the Health Service Medical Supplies (Costs) Act 2017, why have the Government not used its powers to stop this drug racketeering?

Stephen Barclay: The hon. Lady, very astutely and correctly, identifies the issue, which is how we ensure value for money from specials. Indeed, I commend *The Times* for highlighting a number of these issues. We are looking at this area. As we commit an extra £20 billion in funding to the NHS, our commitment is to ensure that we derive value for money from that investment. That applies to specials, too.

Dr Whitford: The healthcare market in NHS England is estimated to cost £5 billion to £10 billion a year and involves 2.5 million nursing hours a week being wasted on non-clinical paperwork. Does the Minister not recognise that this is the biggest inefficiency? Will he commit to reversing the disastrous marketisation of NHS England?

Stephen Barclay: Again, the hon. Lady draws attention to my work on driving productivity improvements within the system, which looks at a range of efficiencies such as sending texts and emails, dealing with missed appointments and the use of green energy. We can implement a whole range of initiatives as a part of that agenda.

Steve Double (St Austell and Newquay) (Con): As the first port of call for patients with often minor ailments, community pharmacists can really help to improve the efficiency of the NHS by taking pressure off GPs. What plans do the Government have to support and enhance the role of community pharmacists?

Stephen Barclay: My hon. Friend is right to draw attention to the valuable role played by pharmacies. This is part of a wider education campaign within the NHS and increased access to clinicians, such as through 111, is another component of that. We want to ensure that rather than people's first port of call being a GP, they access the NHS and pharmacies at the appropriate time.

Justin Madders (Ellesmere Port and Neston) (Lab): At the end of the last financial year, trusts owed the Department a staggering £11 billion. NHS providers say that this is locking some trusts into

"a vicious circle of inevitable failure",

and the King's Fund says that there is no prospect of them ever repaying. Trusts with the biggest debts are forced to pay the highest levels of interest. How can the Minister expect trusts to be efficient when they are paying an interest rate of 6% on debts to his Department?

Stephen Barclay: As it happens, I will be at an event with NHS providers—chief execs—this evening, when I am sure that this will be one of a number of issues that we will discuss. The hon. Gentleman is right to draw attention to the very high private finance initiative costs that many trusts face due to contracts signed under the previous Labour Government. That is a real pressure faced by many trusts.

Global Mental Health Summit

4. **Richard Benyon** (Newbury) (Con): What the outcomes were of the October 2018 London global ministerial mental health summit. [907211]

16. **Adam Afriyie** (Windsor) (Con): What the outcomes were of the October 2018 London global ministerial mental health summit. [907224]

The Secretary of State for Health and Social Care (Matt Hancock): This month, we hosted the world's first ever global ministerial mental health summit. Over 60 countries were represented, and they were united in the ambition to achieve equality for mental and physical health. The legacy of the summit will continue, with the baton now passed to the Netherlands, which has committed to host next year.

Richard Benyon: At the summit, I hope that the Government were applauded for appointing a Minister for suicide prevention. Will my right hon. Friend reflect on the fact that many people contemplating taking their life end up in A&E or in police stations, and will he look at James' Place in Liverpool? That non-clinical centre catches young men in particular, who are very often the victims of this problem, and deals with their mental health issues.

Matt Hancock: Part of the purpose of having a cross-Government suicide prevention Minister is to bring together all these issues. I pay tribute to the work of James' Place and its founder, Clare Milford Haven. We are spending £30 million of taxpayers' money to increase the number of health-based places of safety for people experiencing a crisis, and I look forward to working with my hon. Friend on that.

Mr Speaker: I call Adam Afriyie.

Adam Afriyie: Question 16, Mr Speaker.

Mr Speaker: No, the question has been grouped. The moment is now; the chance is here—let us hear from the hon. Gentleman.

Adam Afriyie: Thank you, Mr Speaker, for the admonishment, or encouragement—

Mr Speaker: Encouragement.

Adam Afriyie: Thank you very much.

It strikes me that every person in this Chamber, every one of our constituents and every household across the country will have been affected by the issue of suicide, whether among family, friends or colleagues. The causes of suicide are multi-faceted—there are so many, including mental health—so I welcome the new ministerial responsibility. Will my right hon. Friend clarify precisely what the role will entail in government?

Matt Hancock: I very much agree with my hon. Friend. The role will be cross-governmental. It will involve working not only across national Government, convening the policies that need to be pulled together from various Departments' responses to support people in crisis and to reduce suicide, but with local government, which has responsibilities here.

Helen Jones (Warrington North) (Lab): Suicide prevention plans have to be a key element of any mental health strategy, yet the Government are not monitoring the effectiveness of those plans or ensuring that they are fully funded. Will the Secretary of State commit to ensuring that the plans that are put in place are effective and that local authorities have sufficient funds to implement them properly?

Matt Hancock: The hon. Lady is right to draw attention to the need to ensure that funding for mental health services has parity with that for physical health services. Getting there is the work of a generation. We did not even measure access to mental health services until this Government brought that in, and we are working towards parity.

Paula Sherriff (Dewsbury) (Lab): The Secretary of State boasted to the global ministerial mental health summit about the Government's plans to recruit 21,000 more staff to the mental health workforce by 2021, but he did not tell the summit that by the end of May this year, nearly 25,000 mental health staff—one in eight of the workforce—had left the NHS and that fewer than 1,000 extra staff had been recruited by March, equating to just 0.5% of his target. Does he really think that he is in a position to lecture the rest of the world?

Matt Hancock: I welcome the hon. Lady's commitment to this area. Clearly it is very important to have the workforce in place. As she said, we are making progress, but we still have more to do. As far as the international approach is concerned, the response to the summit was that many countries came together, because collectively we all face the same sorts of challenges. I am in absolutely no doubt that the leadership shown by some countries, including the UK, is warmly welcomed.

Andrew Selous (South West Bedfordshire) (Con): The links between poor mental health, suicide and gambling addiction have been made clear to the Health and Social Care Committee. In that regard, will the Secretary of State make it clear to the Treasury that many across the House want to make sure that action on fixed odds betting terminals is taken forward so that we can have good results in the areas of mental health and suicide prevention?

Matt Hancock: My hon. Friend knows my personal strength of feeling about tackling the scourge of fixed odds betting terminals. The links between gambling addiction and mental health issues—and indeed, directly to suicide—are clear in the evidence, and we must address them.

Helen Hayes (Dulwich and West Norwood) (Lab): My constituent David contacted me after his 18-year-old son became severely mentally unwell and needed emergency

treatment. His son spent four days in A&E at the local hospital because no in-patient beds were available. This is not a one-off case: on a daily basis, mentally unwell people are being failed by our health service. When will the Secretary of State take meaningful action to fund mental health services properly and stop this scandal?

Matt Hancock: I am glad that, like me, the hon. Lady cares so much about getting this right. The long-term plan, which we are writing with the NHS, for how we will spend the £20 billion funding increase is where we can get these details right. Access to mental health services was not even measured before. The first step was to put the measurement in place, and now we can act on that measurement with the huge increase in funding coming to the NHS.

Radiotherapy

5. **Grahame Morris** (Easington) (Lab): If he will ensure that NHS England enables NHS trusts to provide advanced radiotherapy treatment. [907212]

The Parliamentary Under-Secretary of State for Health and Social Care (Steve Brine): Yes, we are fully committed to ensuring that the most innovative cancer treatments are available to patients on the NHS. Since 2016, the radiotherapy modernisation programme has seen £130 million of new investment to ensure that all new equipment is capable of delivering advanced radiotherapy.

Grahame Morris: I thank the Minister for that reply. May I point out how effective advanced radiotherapy is against many cancers affecting the soft tissue? I must declare an interest as a beneficiary of the treatment myself. The latest NHS research shows that treating prostate cancer with 20 treatments of advanced radiotherapy is far better for patient outcomes and would save the NHS more than £20 million a year, but the current tariffs system disincentivises trusts from saving this money, as their income is based on the number of treatments. Will the Minister meet me and representatives of the all-party group on radiotherapy to discuss how we might address this anomaly and improve treatments?

Steve Brine: It is good to see the hon. Gentleman in his place and looking so well—I am glad we looked after him well. He is absolutely right that access to advanced radiotherapy treatments is critical, as is getting them against the key standard. I would be very pleased to meet his all-party group and discuss its manifesto for radiotherapy.

Mr Speaker: I call Vicky Ford.

Vicky Ford (Chelmsford) (Con) *indicated dissent.*

Mr Speaker: The hon. Lady was standing. She has changed her mind. All right, never mind. We can always have another go later.

A&E: West Midlands

6. **Emma Reynolds** (Wolverhampton North East) (Lab): What assessment he has made of the effect of the planned closure of Telford Hospital's A&E department on other A&E departments in the west midlands. [907214]

The Minister for Health (Stephen Barclay): The planned temporary overnight closure of the Princess Royal Hospital's A&E in Telford is necessary to ensure that patients continue to receive safe care. The Shrewsbury and Telford Hospital NHS Trust is working closely with colleagues in neighbouring provider trusts and the ambulance service to develop plans for key clinical pathways to minimise the impact.

Emma Reynolds: The proposed closure of Telford A&E would pile even more pressure on New Cross Hospital in my constituency. If the Government will not step in to stop the closure, as it sounds is the case from the Minister's answer, will they give New Cross the resources it needs to recruit upfront the nurses, doctors and other staff they need so that patients do not have to suffer longer delays?

Stephen Barclay: The current modelling suggests that about 11 ambulances will be diverted from the Shrewsbury and Telford Hospital NHS Trust between the hours of 10 pm and 8 am during closure. Of the patients who go to Wolverhampton, any admitted as in-patients will return to Shrewsbury and Telford and any who are discharged will be discharged from Wolverhampton.

Lucy Allan (Telford) (Con): The chief executive of Royal Wolverhampton NHS Trust says that the closure at Telford is the result of bad planning and could have been prevented. Does the Minister agree it is wholly unacceptable that my constituents' safety should be put at risk by a preventable closure that is the result of bad planning by management, and will he do all he can to ensure that the hospital management have the help they need to properly run our hospital and properly plan for the needs of our community?

Stephen Barclay: First, may I pay tribute to my hon. Friend, who has campaigned assiduously on behalf of her constituents? She has lobbied me and the Secretary of State and made her case very powerfully to NHS leaders. There has been progress: three additional consultants have been hired and attempts made to recruit middle-ranking doctors to the trust, including from neighbouring trusts. We are making a significant capital investment in the Shrewsbury and Telford Hospital NHS Trust, and these changes must be seen in the light of that.

Yvette Cooper (Normanton, Pontefract and Castleford) (Lab) *rose—*

Stephanie Peacock (Barnsley East) (Lab) *rose—*

Mr Speaker: No, no; Yorkshire is the most marvellous place, but it is a considerable distance from the narrow ambit of the question, from which the Minister did not stray. The ingenuity of those Members will be served later in our proceedings.

Health and Social Care Hubs

9. **Luke Pollard** (Plymouth, Sutton and Devonport) (Lab/Co-op): What steps he is taking to support health and social care hubs. [907217]

The Minister for Care (Caroline Dinenage): Health and social care hubs are a great example of health and care systems coming together through sustainability and transformation partnerships and integrated care systems to transform services in local areas. The NHS long-term plan will set out how we will enable and encourage better integration.

Luke Pollard: The Minister will know that Plymouth is leading the way in developing health and social care wellbeing hubs. She will also know that we have bid for £15 million of funding to create more hubs across the city, especially in our city centre, to bring together NHS dentistry and dental schools, sexual and mental health support, social care and new forms of general practice. Will she do all that she can to look positively on that bid, so that we can help to improve our health outcomes?

Caroline Dinenage: I am really pleased that the hon. Gentleman has raised this issue. Plymouth is indeed leading the way in creating hubs and showing how incredibly valuable they are in bringing together all the relevant services in one place, not only to tackle people's current healthcare needs but to play a vital role in prevention.

Derek Thomas (St Ives) (Con): Health and social care hubs provide a real opportunity to ensure that patients are cared for in the right place, and it is vital for that to be extended to those who need palliative care. Can the Minister confirm that the NHS 10-year plan will adequately address the need for equal and appropriate access to palliative care across the country?

Caroline Dinenage: My hon. Friend is absolutely right to mention this. Palliative care is crucial to the experience not only of patients but of their families and carers. He will be interested to know that we have a new indicator from 2018-19 to measure the proportion of people who have had three or more emergency admissions in their last 90 days of life, which will help us to assess how people can be better supported in the community, and to do that better.

24. [907232] **Dr Roberta Blackman-Woods (City of Durham) (Lab):** Social care hubs could be part of the way forward for social care, but, in response to a recent survey of care providers in my constituency, 71% said that despite the best efforts of staff the quality of care had greatly diminished because of years of chronic underfunding. Does the Minister agree that we need a systemic change in social care funding, given that the extra money provided so far is a drop in the ocean and does not address levels of need?

Caroline Dinenage: The hon. Lady is right. We know that the adult social care system is under pressure, which is why we are setting out a more sustainable future in the Green Paper which will be published later this year. It is, however, important to point out that more than 83% of adult social care providers are rated good or outstanding, and that, thanks to a range of Government actions, County Durham has received an additional £37 million for adult social care in 2018-19 and was allocated £2,822,376 in the recent winter funding announcement.

Cancer: Early Diagnosis

10. **Sir David Evennett (Bexleyheath and Crayford) (Con):** What steps he is taking to increase the rate of early diagnosis of cancer. [907218]

11. **Kwasi Kwarteng (Spelthorne) (Con):** What steps he is taking to increase the rate of early diagnosis of cancer. [907219]

The Secretary of State for Health and Social Care (Matt Hancock): Britain is world leading at treating cancer when it is discovered, but we do not diagnose it early enough, so we will radically overhaul our screening programmes, roll out rapid diagnostic centres for people with early symptoms, and expand mobile lung screening units. Our ambition is to ensure that three quarters of cancers are diagnosed at stage 1 or 2 by 2028, up from half today.

Sir David Evennett: May I first highlight the excellent Guy's Cancer Centre at Queen Mary's hospital in Sidcup, a state-of-the-art facility which offers local cancer patients treatment closer to home? Secondly, can my right hon. Friend provide any detail on how the NHS long-term plan will improve cancer services?

Matt Hancock: Yes. Focusing on early diagnosis will help to save lives. Indeed, the cancer survival rates have never been higher than they are now. About 7,000 people who are alive today would not have been had mortality rates stayed the same as they were in 2010. However, we want to use the most cutting-edge technologies in order to save more lives.

Kwasi Kwarteng: In respect of early screening, how does my right hon. Friend expect the measures that he has introduced to move the service forward in the way that we want to see?

Matt Hancock: Absolutely central to this is ensuring that we address cancer at the earliest possible opportunity. The earlier the diagnosis is made, the greater is the likelihood of survival, so we want to see more cancers diagnosed earlier across the board.

22. [907230] **Ruth George (High Peak) (Lab):** At the start of October, which is Breast Cancer Awareness Month, my local hospital, Stepping Hill, had to shut its doors to breast care patients in my constituency, because its two-week urgent waiting times had risen to five weeks owing to chronic staff shortages and underfunding. What will the Secretary of State do to improve outcomes for constituents like mine who cannot access those services?

Matt Hancock: The announcement the details of which I have just set out comes with £1.6 billion of the £20 billion uplift we are putting into the NHS written into the long-term plan, so the funding is there to deliver on this policy, too.

Tim Farron (Westmorland and Lonsdale) (LD): The Secretary of State is right to say that early diagnosis provides more opportunity to cure and treat cancers. Some 60% of those treated for cancer will receive radiotherapy, and nearly every radiotherapy centre in

the country has linear accelerators that are enabled to provide the advanced SABR, or stereotactic ablative body radiotherapy, technology, but Government—NHS England—contracts mean that out of the 52 centres in England no more than 20 are contracted to actually use this technology. That means that either patients are not receiving the highest quality life-saving standard of treatment that they could be or that trusts are providing it anyway but are not being paid and valuable data on mistreatment are being completely lost. Will the right hon. Gentleman order NHS England to stop this recklessness, and frankly lethal, nonsense and agree to every—

Mr Speaker: Order. *[Interruption.]* Order. The thrust of the question is entirely clear. I was going to offer the hon. Gentleman an Adjournment debate on the subject until I realised that he had in fact just conducted it.

Matt Hancock: And also, Mr Speaker, the hon. Gentleman's all-party group is meeting my Minister, the Under-Secretary of State for Health and Social Care, my hon. Friend the hon. Member for Winchester (Steve Brine), on this very matter. Since 2016 we have put £130 million of funding in to try to resolve the issue that the hon. Gentleman talks about: to make sure that all new equipment is capable of delivering advanced radiotherapy. Work on this is ongoing.

Several hon. Members *rose—*

Mr Speaker: In calling the hon. Member for Strangford (Jim Shannon) I promise to make no reference to the result of the match last night between Arsenal and Leicester City.

Jim Shannon (Strangford) (DUP): Mr Speaker, you had a broader smile on your face this morning than my friend the hon. Member for Scunthorpe (Nic Dakin) and I. We still support Leicester and hope we will pay you back some day.

An important aspect of diagnosing cancer is to find the drugs that address it. What has been done to ensure the partnerships between universities and the NHS can continue, so that they can find new drugs and therefore address cancers at a very early stage?

Matt Hancock: There are deepening relationships between universities and the NHS right across the country, especially in this field of the combination of diagnosis and early treatment. Some of the most advanced technology and research in the world is happening in universities in the UK in order to save lives, which is such an important issue here.

Leaving the EU: Access to Medicines

12. **Alan Brown** (Kilmarnock and Loudoun) (SNP): What assessment he has made of the potential effect on access to new medicines of the UK leaving the EU. [907220]

20. **Martyn Day** (Linlithgow and East Falkirk) (SNP): What assessment he has made of the potential effect on access to new medicines of the UK leaving the EU. [907228]

The Secretary of State for Health and Social Care (Matt Hancock): We will continue to have access to new medicines through the deal we expect to negotiate with the EU. In the unlikely event of no deal, we will directly recognise batch testing of medicines done in the EU. We are currently consulting on the approach to licensing medicines in a no-deal scenario, but I am clear that patients should not be disadvantaged and should continue to have timely access to new medicines.

Alan Brown: The reality is that Brexit uncertainty about future medicine approvals and unresolved issues with the European Medicines Agency have caused research firm Recardio to suspend UK recruitment to a drug trial, posing a risk to its business and interrupting the research. As the EMA has no associate membership for third countries, how does the Secretary of State plan to avoid the UK being left out of future clinical trials despite his bluster?

Matt Hancock: Not only does the UK bring a huge amount to the table in terms of research, but we fully intend to make sure that we have a robust and seamless system in place. A consultation is out at the moment and we will respond to it very shortly.

Martyn Day: The Government have stated that the new EU clinical trials regulations will not be in place before March, but have committed to aligning with it where possible. What progress has been made regarding data sharing to ensure that clinical trials continue and pharmaceutical and research firms do not leave the UK after Brexit?

Matt Hancock: As part of the EU deal we are negotiating, the relationship with the EMA will be extremely close, so I am sure that that will be a part of our agreement.

Mr Philip Hollobone (Kettering) (Con): Will the Health Secretary confirm that since the referendum the number of EU nationals working in our NHS has actually risen by 4,000, and that regardless of the state of the negotiations their rights will be protected and they will continue to be able to work in the NHS after we leave?

Matt Hancock: Yes, my hon. Friend is absolutely right. In fact, the number of EU nationals working in the NHS has now risen by more than 4,000 since the referendum, and we welcome them all.

Orkambi

13. **Mr Stephen Hepburn** (Jarrow) (Lab): What recent progress has been made in negotiations between NHS England and Vertex Pharmaceuticals on making Orkambi available on the NHS for people diagnosed with cystic fibrosis. [907221]

The Lord Commissioner of Her Majesty's Treasury (Nigel Adams): It was disappointing that in July and August, Vertex, the manufacturer of Orkambi, rejected the final offer made by NHS England, as well as rejecting the opportunity for the National Institute for Health and Care Excellence—NICE—to appraise its new medicines, as is required for all companies seeking routine NHS funding for their products. Vertex must

re-engage with NICE and NHS England, and I am encouraged that it attended a meeting with NICE on 4 October to discuss next steps.

Mr Hepburn: As the Minister knows, Orkambi is available for cystic fibrosis sufferers in Ireland, Greece, Denmark and a host of other countries around the world, so when will it be available for cystic fibrosis sufferers in this country?

Nigel Adams: I know that the hon. Gentleman takes a keen interest in this subject and that he campaigns assiduously on behalf of his constituents in this regard. He is right to suggest that Ministers are keeping a very close eye on these negotiations, and we urge Vertex to consider NHS England's fair and final offer. However, it is absolutely right that we have a system—introduced by the Labour party—in which experts, not politicians, determine the fair price for a drug, based on robust evidence.

Mrs Sharon Hodgson (Washington and Sunderland West) (Lab): I almost thought you had forgotten about me, Mr Speaker.

Last month, speaking on this very subject, the Secretary of State said that he would not let pharmaceutical companies hold the NHS to ransom, but the 5,200 patients who could benefit from Orkambi are left suffering while this war of words continues. What does the Secretary of State have to say, through his Minister, to those patients who are awaiting a resolution to this stalemate?

Nigel Adams: The hon. Lady makes a correct point, and we are very keen that patients receive this drug. I understand her ire, but perhaps it should be directed at Vertex, the manufacturer. The offer of £500 million over five years for the size of the eligible population is the largest-ever commitment of its kind in the 70-year history of the NHS, and it would guarantee immediate and expanded access to Orkambi and to other drugs.

Preventive Care

15. **James Cleverly** (Braintree) (Con): What steps he is taking to improve preventive care in the NHS. [907223]

The Minister for Care (Caroline Dinenage): Our NHS offers a range of world-leading preventive care services, but we can go further and faster. The Secretary of State has named prevention as one of his top three priorities, signalling a renewed focus on public health, community and mental health services.

James Cleverly: I thank the Minister for her reply. She will know, because I have spoken about this to the Secretary of State's team, about the pressures on my constituency, and particularly on the Church Lane GP surgery. Specifically on preventive services, wearable tech, health tech and medical tech provide an opportunity to keep people healthier for longer, and can provide early digital diagnosis that can relieve pressure on medical services. What more can be done to pursue this way of relieving pressure on the health service?

Caroline Dinenage: I completely agree that technology can really help in this way. I recently visited Hampshire County Council, which is using a range of gadgets

including a really simple one involving a light bulb that comes on when someone gets out of bed in the night to go for a pee. That is ingenious, and it is helping to prevent avoidable falls.

Dr Rupa Huq (Ealing Central and Acton) (Lab): My constituent Holly Alliston has contacted me about the epipens that her two-year-old son, who has a severe nut allergy, relies on. There is a national shortage of them, and the Northfield Pharmacy has been emailed by NHS England to say that the situation is critical. What is the Minister doing about this? We hear about the possibility of troops having to distribute stockpiled medicines when we leave the EU, but this is hitting us now.

Caroline Dinenage: The hon. Lady is absolutely right to raise this matter. We are working closely with all the manufacturers of adrenaline auto-injectors to improve the supply situation as quickly as possible.

Vicky Ford (Chelmsford) (Con): One in 10 mums gets post-natal depression, and we know that early identification is key to preventing it from becoming more serious. May I urge the Minister to look at the National Childbirth Trust's campaign to ensure that all mums—as well as all babies—get a six-week check?

Caroline Dinenage: We are really supportive of the Hidden Half campaign, run by the NCT—my colleague the Minister met the trust last week. We must ensure that we are supportive of new mothers' health needs.

Mr Jim Cunningham (Coventry South) (Lab): What improvements have emerged in relation to prostate cancer treatments?

Caroline Dinenage: I am really pleased that the hon. Gentleman has raised that. Clearly, early screening is fundamental and one of the key pillars of what we want to focus on with cancers. Prostate cancer affects so many gentlemen up and down the country, and we know that that early detection is the difference between life and death.

Antimicrobial Resistance

17. **Michael Fabricant** (Lichfield) (Con): What steps his Department is taking to tackle antimicrobial resistance and inappropriate use of antibiotics; and if he will make a statement. [907225]

The Parliamentary Under-Secretary of State for Health and Social Care (Steve Brine): We continue to make good progress against our 2013 AMR strategy ambitions. According to the latest figures, since 2013, antibiotic prescriptions dispensed by GPs have decreased by 13%, and sales of antibiotics for use in food-producing animals dropped by 27%.

Michael Fabricant: That is encouraging to hear because antimicrobial resistance is caused by the excessive and inappropriate use of antibiotics. Given that we have a Matt Hancock app, should not we have a similar app to try to educate people about when it is appropriate and not appropriate to use antibiotics?

Steve Brine: I will look at what can be added to the Matt Hancock app—there is always room for more.

As luck would have it, today Public Health England has launched its latest “Keep Antibiotics Working” national public awareness campaign, which aims to educate the public about the risks of AMR and urges them always to take the advice of their healthcare professionals on antibiotics and, when necessary, to challenge them.

Dr Lisa Cameron (East Kilbride, Strathaven and Lesmahagow) (SNP): AMR poses a grave threat to health. Professor Dame Sally Davies, the chief medical officer, told our Health and Social Care Committee inquiry that if action is not taken to address this “growing threat, modern medicine will be lost.”

Will the Secretary of State and Ministers heed that warning and ensure that AMR is prioritised?

Steve Brine: Absolutely. The UK is a global leader in tackling AMR and we are currently working on the refresh of our strategy. I was at the G20 earlier this month, where Dame Sally Davies, the chief medical officer for England, showed world leadership and led an exercise with world leaders to strengthen understanding by showing how developed countries would tackle an outbreak.

Public Health Funding

18. **Diana Johnson** (Kingston upon Hull North) (Lab): What recent representations he has received on the potential merits of increasing public health funding to local authorities. [907226]

The Parliamentary Under-Secretary of State for Health and Social Care (Steve Brine): This Government have a strong track record on public health. Local authorities in England are supported by ring-fenced public health grants of more than £16 billion over the current spending review period. Decisions on future funding are, of course, for the next spending review.

Diana Johnson: Substance misuse services are due to be slashed by £34 million owing to cuts imposed by central Government. In Hull, and I am sure in many other parts of the country, there is a growing blight on our streets caused by Spice and other substances. How is it in any way helpful to communities, frontline police or the NHS for the Government to cut services that help people deal with their addictions?

Steve Brine: As I said, we are spending £16 billion of our constituents’ money during this spending review period on public health grants. Decisions about where we go in future are of course not a matter for me but for the Chancellor in the spending review. This House decided in the Health and Social Care Act 2012 to make every upper tier local authority a public health authority. We believe that it is right for local authorities to make those decisions, with the funding that we give them.

Dr Paul Williams (Stockton South) (Lab): How many health visitors have been lost since 2015? How will the Minister ensure that important investments are made at the start of life to reduce health inequalities?

Steve Brine: As I suspect the hon. Gentleman knows, I do not have that figure at my fingertips, but I will provide it to him. Health visitors are a critical part of the puzzle, and local authorities are well aware of that, as are Ministers.

Topical Questions

T1. [907233] **Huw Merriman** (Bexhill and Battle) (Con): If he will make a statement on his departmental responsibilities.

The Secretary of State for Health and Social Care (Matt Hancock): The Department is working with the NHS to ensure that the £20 billion of extra taxpayers’ money is well spent: supporting social care, backing the workforce, using the best modern technology and strengthening prevention. On that note, I can tell the House that we now have a record number of GPs in training: 3,473—10% up on last year.

Huw Merriman: I thank the Secretary of State for so promptly accepting our invitation to visit us in East Sussex in January. He will be warmly welcomed. With that season in mind, what assessment has he made of the NHS’s resilience with winter approaching?

Matt Hancock: Of course winter always challenges the NHS, and this year will be no different. We have put in extra funding, including more capital funding, to ensure that we get the best possible flow through A&E and to ensure there is further funding for social care so that people who do not need to be in hospital can leave hospital.

Barbara Keeley (Worsley and Eccles South) (Lab): Last week, *The Times* reported that a young autistic woman with severe learning disabilities and an IQ of 52 was sexually exploited for months after her care provider had a court accept a plan for her to have sexual relations with men at her home. It is unacceptable that the agency charged with the care of this young woman decided that unsupervised contact with men for sex was in her best interest, yet the Government would give all such care providers a role in assessing the mental capacity of the people for whom they care. Will the Secretary of State urgently investigate this case? Given that the case illustrates the conflict of interest that arises from involving care providers in mental capacity assessments, will he pause the Mental Capacity (Amendment) Bill to allow time to make it fit for purpose?

The Minister for Care (Caroline Dinenage): The hon. Lady is absolutely right to raise this incredibly concerning case. Unfortunately, because the case is ongoing and due to be heard before the High Court very shortly, we are unable to discuss the specifics of the case, but we are incredibly concerned by what it suggests. We have made it clear in statutory guidance to support the implementation of the Care Act 2014 that we expect local authorities to ensure that the services they commission are safe, effective and high quality. Once this case has gone through the High Court, we will look to take further action.

T2. [907234] **Sir Edward Leigh** (Gainsborough) (Con): A constituent has just written to me saying that his diabetic care has been moved from John Coupland

Hospital to Lincoln Hospital under the mistaken bureaucratic belief that bigger is better. United Lincolnshire Hospitals NHS Trust, which covers Lincoln Hospital, is struggling. It is treating only 69% of people in A&E within four hours, when the figure should be 95%. What is the Minister going to do to ensure that large rural areas get the best and the same healthcare as large cities?

The Minister for Health (Stephen Barclay): My hon. Friend is right to highlight this. The Secretary of State was at the trust last week, and I visited earlier in the year. There is a specific range of actions, including partnership with Sherwood Forest Hospitals NHS Foundation Trust; advanced clinical practitioner courses, which started in June; £1.8 million of capital to support improvements to patient flow; and a frailty pilot at Lincoln. There is an intensive programme of work with this trust, because we recognise my hon. Friend's concerns.

T8. [907240] **Liz McInnes** (Heywood and Middleton) (Lab): North West Ambulance Service NHS Trust spent £30 million in the past three years on private ambulances. Does the Minister agree that that money would have been far better spent on the recruitment and retention of NHS ambulance staff?

Stephen Barclay: As the hon. Lady will know, since 2010, the number of paramedics has increased by more than 30% and the pay band has been increased from band 5 to band 6. She will also know from the excellent work of Lord Carter that there was significant variation between ambulance services and a significant opportunity to make savings that can be reinvested in ambulances by addressing differences in sickness rates, "hear and treat" and "see and treat" rates and other variables. We have also committed additional funding for new ambulances, including in the north-west, which will be in place by this winter.

T3. [907235] **Boris Johnson** (Uxbridge and South Ruislip) (Con): I can personally testify to the passion, the care and the professionalism of staff at Hillingdon Hospital. They do a fantastic job, but, sadly, too much of the physical environment in which they work is no longer fit for purpose. I invite my right hon. Friend to visit and see it for himself and to commit to providing the medical facilities that my constituents will need for the long term.

Matt Hancock: My right hon. Friend is an assiduous supporter of his constituents. I look forward very much to taking up his invitation to visit. I have looked into some of the details of the proposal on the table and, indeed, at some of the other proposals that may benefit the Hillingdon area. I look forward to discussing them with him.

T9. [907241] **Emma Reynolds** (Wolverhampton North East) (Lab): I welcome Baroness Cumberlege's ongoing review of the impact of the use of Primodos pregnancy tests, but for the families affected to have confidence in this review they must be given sufficient time to give evidence. Will the Health Secretary ensure that that happens?

Matt Hancock: Yes, of course I will make sure the appropriate action is taken in this case. It is a sensitive matter, and I look forward to discussing it with the hon. Lady.

T4. [907236] **James Duddridge** (Rochford and Southend East) (Con): The NHS diabetes prevention programme, which was one of the first of its kind, has helped many people since 2016. As someone who has been diagnosed as a type 2 diabetic since that point, it is of particular interest to me. Will the Minister assure me that when the long-term NHS plan is published, we will be even more ambitious?

The Parliamentary Under-Secretary of State for Health and Social Care (Steve Brine): We certainly will. I do not wish to pre-empt what the long-term plan will say, but it is an excellent opportunity for us to look at how the NHS can best support people who have or are at risk of developing diabetes, and that includes transformation funding beyond next spring and how technology can be used to help people better manage that long-term condition.

T10. [907242] **Mike Amesbury** (Weaver Vale) (Lab): Will the Minister provide an update on the revised capital bid by Warrington and Halton Hospitals NHS Foundation Trust to provide Halton General Hospital with a secure future?

Stephen Barclay: I am not aware of the specific details of that, but I am happy to meet the hon. Gentleman to discuss it if he has particular concerns he wishes to raise.

T5. [907237] **Mr Marcus Fysh** (Yeovil) (Con): Spina bifida is one of the most prevalent causes of infant mortality and disability, and a campaign has been running for quite a long time to try to fortify flour to prevent it. Successive Governments have ducked the issue, so will we now please seize it?

Steve Brine: We are continuing to review the advice from our expert advisory groups on safe levels of folate intake, but, continuing our tradition of announcing things to the House first, I want to inform the House today that we are going to issue a public consultation, as of now, on adding folic acid to flour.

Toby Perkins (Chesterfield) (Lab): The service from the East Midlands Ambulance Service NHS Trust has been a considerable disappointment for many of my constituents in recent months. When I met them about the service, they told me that on a huge number of occasions they have ambulances sat waiting outside accident and emergency departments, rather than getting to the next call. What more can the Government do to make sure we get these A&Es cleared?

Stephen Barclay: The hon. Gentleman is right to say that we need to improve those handovers. We have improvement programmes in place at 11 hospital sites in the east midlands, alongside which we are making a £4.9 million investment in 37 new ambulances. Part of this is also about the length of stay and addressing the pathway.

T6. [907238] **Bob Blackman** (Harrow East) (Con): The recent report from the Royal College of Physicians, "Hiding in plain sight: Treating tobacco dependency in the NHS", made clear the cost savings and health benefits there would be if doctors identified smokers and referred them to smoking cessation services, so will next month's plan include that, particularly for pregnant women and mental health patients?

Steve Brine: As my hon. Friend, the chair of the all-party group on smoking and health, knows, those groups are key to delivering our tobacco control plan. We are not complacent at all; the delivery plan that was published in June sets out the actions that different agencies will take to deliver the five-year plan, and that absolutely includes mentor cessation services.

Stuart C. McDonald (Cumbernauld, Kilsyth and Kirkintilloch East) (SNP): I very much welcome news of the consultation on the mandatory fortification of flour with folic acid, but are the Government consulting on whether it should happen or on how it should happen?

Steve Brine: We will be taking evidence, including from the Committee on Toxicity of Chemicals in Food, Consumer Products and the Environment, which is meeting as we speak, to look at the safe upper limit of folate levels. I am particularly keen to get that right, but I am convinced that the evidence shows overwhelmingly that this is something we should be doing.

T7. [907239] **Sir Nicholas Soames** (Mid Sussex) (Con): What is it, precisely, about the NHS's management and leadership that means it seems to be unable to achieve consistent excellence in its hospitals, such as happens at the Salford Royal NHS Foundation Trust? Why is it so hard for lessons learned to be better disseminated?

Matt Hancock: My right hon. Friend identifies a critical factor in improving the future of the NHS, which is to have stronger leadership at all levels, to be able to support innovation and to find out the best that is happening elsewhere and bring it to trusts. I know he has a particular interest in that, and I look forward to working with him on it.

Bill Esterson (Sefton Central) (Lab): Foetal alcohol spectrum disorders mean permanent brain damage. In the United States, studies show that one in 20 children are affected. So when will this Government carry out their own prevalence study, so that we can confirm the extent of this entirely preventable disability in the UK?

Steve Brine: Public Health England collects some data on foetal alcohol syndrome, but we recognise that the data do not reflect the range of FASD. These disorders are difficult to diagnose, which is why we are engaging experts and those affected to explore what more could be done to improve our understanding.

Anna Soubry (Broxtowe) (Con): I thank the Secretary of State for the extra £5 million for East Midlands ambulance service and for the £4.5 million extra for Nottingham University Hospitals Trust, which will mean at least 150 more beds this winter, all of which will help

with winter planning, but does he agree that it behoves us all to play our own part in keeping fit and healthy and to use the NHS services responsibly?

Matt Hancock: My right hon. Friend makes a very important point, which is that, while we drive to ensure that the NHS is prepared as possible for this winter, it is incumbent on everybody to exercise their judgment, yes, to access the NHS where it is needed and important, but also to make sure that they bear a personal responsibility, too.

Yvette Cooper (Normanton, Pontefract and Castleford) (Lab): The Mid Yorkshire Hospitals Trust is proposing to close our midwife-led maternity unit, telling me that, while it is safe, unless it has 500 births a year, it is not value for money. Is that a new national standard for midwife maternity units, because if so it would close 90% of free-standing units? Will a Minister meet me on this matter, because it is unfair on local parents, and, frankly, we are sick and tired of losing services from our towns?

Stephen Barclay: I am happy to meet the right hon. Lady and to discuss the matter further.

Tom Pursglove (Corby) (Con): I am extremely concerned about the case of Logan, a young boy in my constituency who requires round-the-clock care and the handling of his case by Corby clinical commissioning group. I have written to the Minister raising concerns about this case, but is he willing to meet me and Logan's parents, Darren and Wendy, to talk about how this could perhaps be resolved and to apply any pressure that he can, because, as a family, they should be making memories at the moment, not battling local NHS bureaucracy?

Steve Brine: Yes.

Mr Ben Bradshaw (Exeter) (Lab): Is it true that the Secretary of State is now so worried about the supply of vital medicines in the event of a no deal or a hard Brexit that he has asked the pharmaceutical industry to extend the period of stockpiling from six weeks to 20 weeks?

Matt Hancock: No, that is not true. We are working very closely with the pharmaceutical industry to make sure that, in the event of a no-deal Brexit, which I regard as unlikely, we mitigate as much as possible the impact on the supply of medicines and that the supply of medicines can be unhindered.

Kevin Hollinrake (Thirsk and Malton) (Con): Will my hon. Friend, the Minister with responsibility for antimicrobial resistance, consider a 10% levy on antibiotics? If such a levy were applied globally, it would raise £3 billion a year, which is the amount specified in the O'Neill review to fund research into this area properly.

Steve Brine: I thank my hon. Friend for his consistent work in this area. Stimulating the pipeline for new antimicrobials and alternative treatments is a complex matter. I can assure him that we continue to work with our international partners—I mentioned the G20 earlier—and that absolutely involves market entry awards, which, as he knows, is a global problem that requires a similar solution.

Owen Smith (Pontypridd) (Lab): Every week in this country, two children are born with spina bifida or anencephaly, and I am delighted that the Minister has just announced the consultation on the fortification of flour, which could stop 70% of those birth defects. Can he tell the House how quickly he hopes to bring about the conclusion of the consultation?

Steve Brine: Let me just pay tribute to the hon. Gentleman for the work that he has done, bringing this matter to the fore and really pushing it forward. The answer is as soon as possible. I also want to make sure that I can involve the other agencies. Public Health England will be very important in this, because, of course, not every woman eats bread and therefore takes the flour supplement.

Craig Tracey (North Warwickshire) (Con): I am sure that the Minister is aware that October is breast cancer awareness month. I welcome the ambition that the Prime Minister set out at the party conference for 75% early-stage diagnosis. There is some concern that, as breast cancer is already above that, there is no ambition left for it to do even better. Can he assure me and the breast cancer community that that is not the case?

Steve Brine: That is certainly not the case. We had a very good debate on breast cancer last week. It is BCAM still this month for another week. The 75% was a target, a new national ambition. It most certainly is not the limit of our ambition.

Stephanie Peacock (Barnsley East) (Lab): Will the Government write off the debts of Yorkshire hospitals so that extra money invested can go into patient care?

Stephen Barclay: As the Secretary of State set out, we are making a significant funding commitment to the NHS—the extra £20 billion—but that is not conditional on writing off debt.

Robert Courts (Witney) (Con): Will the Minister please provide an update to the House on work to ensure that we train more GPs for England, particularly for west Oxfordshire?

Matt Hancock: Yes. My hon. Friend will have heard that we have record numbers of GPs in training—10% up on last year. I want to see more GPs—5,000 more across the country—and, no doubt, some of those in west Oxfordshire.

Eleanor Smith (Wolverhampton South West) (Lab): I have a constituent who has Turner syndrome, a female-only genetic disorder that affects one in every 2,000 baby girls. Owing to this, she has to take several medications every day of her life, and this is mounting up as she gets older. She works so she is not on any benefits and has to pay for her medications herself. Will the Minister consider exempting those who suffer from lifelong conditions such as Turner syndrome from paying for their prescriptions? Surely, it cannot be right that people in England should be treated differently from those in Scotland, Wales and Northern Ireland, where such prescription charges have been abolished.

Steve Brine: I would be very happy to meet the hon. Lady to discuss her constituent's case.

Rachel Maclean (Redditch) (Con): I am hearing deeply concerning reports about ambulance waits outside Worcestershire Acute Hospitals NHS Trust, and the Minister is aware of these concerns. We welcome the capital funding that is going into this trust, but will he meet me to discuss what more can be done to improve patient handover, which is concerning for my constituents?

Stephen Barclay: As my hon. Friend says, there is significant capital investment into Worcestershire, as well as a major programme of improvements addressing variation in ambulances, but of course I am also happy to meet her to discuss the matter.

Daniel Zeichner (Cambridge) (Lab): Last week, the chief executive of the Association of the British Pharmaceutical Industry warned that even associate membership of the European Medicines Agency would not do for our life sciences sector, so can the Secretary of State tell us how much longer we will have to wait and how much more we will have to pay for new medicines if we are outside the European medicines market?

Matt Hancock: We will not have to wait longer; we will ensure that we get the best medicines to the people of Britain long after we are members of the European Union, as we did before we were members of the European Union.

Several hon. Members rose—

Mr Speaker: As in the health service under successive Governments of both colours, demand exceeds supply and we cannot carry on indefinitely, but let us hear a few more questions.

Debbie Abrahams (Oldham East and Saddleworth) (Lab): Last week, the Royal College of Paediatrics and Child Health revealed that there has been an increase in infant mortality for the first time in 100 years. Four in every 1,000 babies will not reach their first birthday, compared with 2.8 in every 1,000 babies in Europe. This was warned against as an effect of austerity. What assessment has the Health Secretary done on the effects of next week's Budget on child health and the longevity of our children?

Matt Hancock: I saw that report and we are analysing it. Last week was Baby Loss Awareness Week, and I am glad that there is more awareness of the issue now than there was previously. It is a very important issue that we are looking at right across the board.

Mr Dennis Skinner (Bolsover) (Lab): About two hours ago, I rang to book a flu jab less than a mile away from here. Unfortunately, staff said that they had run out and will not be able to do it until 2 November. The Secretary of State is nodding. He seems to know the answer to everything. What is the issue? Will he give me the answer? This never happened under Labour.

Matt Hancock: If the hon. Gentleman is claiming that there were not enough flu jabs under Labour, I might agree with him, because there are now more flu jabs. More than 4 million flu jabs have already taken place. I am delighted that lots of people want flu jabs

because everybody who needs one should get one. The arrival of the flu jab medicine is phased, because we have to ensure that we get the right flu jabs. If the hon. Gentleman could carry on promoting flu jabs for the elderly, I would be delighted.

Mr Speaker: Is the hon. Member for Bolsover (Mr Skinner) satisfied?

Mr Skinner: No.

Mr Speaker: Nevertheless, the hon. Gentleman has had his say, and I feel sure that he will say it again as often as is necessary.

Sir Kevin Barron (Rother Valley) (Lab): Will the Minister tell me whether the withdrawal of funding for the Healthy Futures programme in the north-west and Public Health Action in the south-west is likely to help or hinder us meeting the smoking cessation targets in the tobacco control programme?

Steve Brine: This comes back to the matter of public health budgets—£16 billion during the current spending review period, with local authorities best placed to

make local decisions on what is needed in their local area. That is the same in the right hon. Gentleman's area as it is in mine.

James Frith (Bury North) (Lab): Last month, the Mayor of Greater Manchester adopted the five recommendations of my report, "Living Well and Dying Well", which seeks to include hospice care provision more formally in our NHS and social care planning. Will the Minister meet me and representatives of our hospices to see how we might best make use of these brilliant community health assets?

Caroline Dinanage: Yes, I am happy to meet the hon. Gentleman to discuss the matter. Hospices provide an incredible level of care right across the UK, and we cannot do enough to support them.

Several hon. Members *rose*—

Mr Speaker: Order. There were 30 topical questions. Although there was scope for many more, I am afraid that we have to stop now. Thank you, colleagues.

Abortion

Motion for leave to bring in a Bill (Standing Order No. 23)

12.39 pm

Diana Johnson (Kingston upon Hull North) (Lab): I beg to move,

That leave be given to bring in a Bill to amend the law relating to abortion in England and Wales, and Northern Ireland; to remove criminal liability in respect of abortion performed with the consent of the pregnant woman up to the twenty-fourth week of pregnancy; to repeal sections 59 and 60 of the Offences Against the Person Act 1861; to create offences of termination of a pregnancy after its twenty-fourth week and non-consensual termination of a pregnancy; to amend the law relating to conscientious objection to participation in abortion treatment; and for connected purposes.

I thank Gordon Nardell QC and Professor Sally Sheldon for drafting the Bill. It is supported by the British Medical Association, the Royal College of Obstetricians and Gynaecologists, the Royal College of Midwives, the Faculty of Sexual and Reproductive Healthcare, Amnesty International, the British Pregnancy Advisory Service, the Family Planning Association, Marie Stopes International, the End Violence against Women Coalition, Women's Aid and the TUC.

Abortion in our country is underpinned by the oldest legal framework for any healthcare treatment, with the harshest criminal sentences in the developed world for women having an illegal abortion. Poland, the USA, Canada and parts of Australia do not criminalise women. The law needs to be updated to deal with the advances in women's healthcare and sex and relationships education, and with the role of the internet—all of which have occurred alongside the changing attitudes in society.

Our current abortion laws date back to the Offences Against the Person Act 1861—back to a time when Queen Victoria was on the throne and women were still decades away from getting the right to vote. Under the 1861 Act, any woman procuring her own miscarriage and anyone assisting her can go to prison for life. In 1967, Parliament voted for the Abortion Act, which gave a route for women in England and Wales to access abortion legally, by setting out specific exemptions and conditions, including the need for signatures from two doctors agreeing that, for example, a termination is necessary to prevent permanent injury to the physical or mental health of the pregnant woman. Women's lives have been saved in their thousands by David Steel's 1967 Act, which meant that women no longer had to seek out unsafe, unregulated backstreet abortionists.

So, what are the facts about abortion today? One in three women will have an abortion in their lifetime. These days, 80% of abortions take place in the first 12 weeks of pregnancy and are medically induced by taking tablets, not by surgical procedures. It is the only medical procedure that requires the agreement of two doctors. In 2007, the Science and Technology Committee found no evidence that this requirement

“serves to safeguard women or doctors”.

The 1967 Act has never applied to Northern Ireland, and the chilling effect of the 1861 Act means that abortion hardly ever takes place in Northern Ireland. It is one of the harshest abortion regimes in the world, with no abortion available in cases of rape, incest or fatal foetal abnormality. This is what a woman from Northern Ireland says:

“I spent Christmas Day in casualty with my two children. My husband had beaten me to a pulp...He had repeatedly raped me...Six weeks later I discovered I was pregnant, I could not continue with the pregnancy. Knowing my husband would carry out his threats to kill me if he found out, I went to my GP who told me abortion was illegal in Northern Ireland and refused to help.”

Or let us consider Denise's story. She was told midway through her pregnancy that her baby had Edwards syndrome and would not survive. Very ill and unable to travel, Denise was forced to continue with her pregnancy because she lived in Northern Ireland. She was repeatedly asked about her baby and that, she said, left her feeling tortured. She said:

“Every minute, every second of the day—you have to live with the knowledge that the child inside you is going to die.”

Or imagine being 18-year-old Emma, who found out at 20 weeks that her baby had anencephaly and would not survive. She could not face traveling to England for an abortion because she wanted to be surrounded by her loving family. She had to continue the pregnancy to term because she lived in Northern Ireland, and she was eventually induced to give birth to her stillborn daughter.

Then there was the mother who found out that her 15-year-old daughter was pregnant and that her abusive partner has threatened to

“kick the baby out and stab it if it is born.”

Feeling that she had no other option, she bought her daughter abortion tablets online. Seeking support for her daughter from their family doctor concerning the abusive relationship—not the abortion—she now faces a potential prison sentence for trying to help her daughter access medical care denied to her by their Government.

Then there is the heartbreaking account this week on Twitter from a Northern Ireland woman who has been live-tweeting at @ratherbehome her experience of having to travel to England for an abortion. She says this:

“I should be at home, in the privacy of my own home. Instead I'm trying to discreetly bleed in a shitty hotel. There's no dignity. There's no privacy.”

These are real-life examples of what women in Northern Ireland face under the current abortion law. Consider for a moment the morality of laws that mean that women in Northern Ireland seeking an abortion after being impregnated through a sexual crime, rape or incest, could face a heavier criminal punishment than the perpetrators—the real criminals.

This June, the Supreme Court found that Northern Ireland's current abortion laws breach women's human rights in Northern Ireland. In February 2018, the United Nations found that thousands of women and girls in Northern Ireland are subject to grave and systematic violations of their rights, being compelled either to travel outside Northern Ireland for a legal abortion or to carry their pregnancy to term. With the Northern Ireland Assembly not sitting since January 2017, UK politicians can no longer look away while vulnerable women in Northern Ireland, often suffering in desperate circumstances, have their human rights breached. As Hillary Clinton said:

“Human rights are women's rights, and women's rights are human rights”.

Let there be no hard borders in the Irish sea over human rights.

Polling research released on 10 October 2018 by Amnesty International shows that 65% of people in Northern Ireland believe that

“having an abortion should not be a crime”,

while 66% supported the view that in the absence of devolved government,

“Westminster should legislate to reform the law”.

If Westminster does decriminalise abortion in Northern Ireland, it will then be for the Northern Ireland Assembly to decide what abortion provision should look like there.

Meanwhile, even in England and Wales, a woman using abortion tablets bought online is committing a criminal offence punishable by life imprisonment—and it is often the most vulnerable women, finding it difficult to access termination services, who turn to the internet. Women on Web, a doctor-led online medical service, says that 16% of women cite domestic or “honour” violence, and 8% intimate partner violence, as reasons to seek tablets online. Whether in Birmingham, Belfast or Bangor, women need a modern, supportive, humane, properly regulated medical regime that encourages them to come forward for the best professional advice and treatment, not drives them, isolated and scared, into the unregulated internet pills market.

Therefore, my Bill ensures that up to 24 weeks’ foetal gestation, women and clinicians would no longer be subject to the criminal law for consensual abortion. The 24-week time limit remains, and decriminalisation does not mean the deregulation of abortion: safeguards stay in place. My aim is for effective regulation fit for purpose in the 21st century. The existing body of law and professional standards governing medical procedures would stay. It would remain a crime to offer abortion services without being registered to do so, while anyone supplying medication without a legal prescription would breach the Human Medicines Regulations 2012. Clinics would continue to be registered and subject to Care Quality Commission oversight.

Very importantly, my Bill would also strengthen protection for women and target the criminal law on the real criminals. Anyone—an abusive partner, for example—who ends a pregnancy against a woman’s wishes through violence, or by administering abortion pills without the woman’s knowledge, would be subject to a life sentence. My Bill also protects doctors and nurses who conscientiously object to abortion, extending this as a statutory right to Northern Ireland.

It is time to remove Victorian, misogynistic stigma from our abortion laws. My aim is simple—women able to choose what happens to their own bodies: confident, not criminalised, supported, not stigmatised; women able to access professional advice and medical care that is regulated effectively; and an Act of Parliament that is fit for now, not for 51 years ago, and certainly not for 157 years ago.

12.49 pm

Fiona Bruce (Congleton) (Con): Whatever Members’ differing views on abortion, if we respect devolution, we should vote against this motion. It proposes far-reaching changes in abortion law, not only for England and Wales but for Northern Ireland, where abortion has

been respected as a devolved matter since 1921. Indeed, it would set a dangerous constitutional precedent of interference.

It is not only unconstitutional. It is untimely, at such a sensitive time in relations between the Westminster Government and the Northern Ireland Administration. It would completely undermine the substance and spirit of the Good Friday agreement, and it is unwanted. Northern Ireland is the most recent part of the UK to vote on abortion law, in 2016, and it voted by a clear majority to retain its law as it stands. The hon. Member for Kingston upon Hull North (Diana Johnson) quoted statistics in her support, but let us hear what the people of Northern Ireland said just last week when asked. Some 66% of women and 70% of 18 to 30-year-olds there said that Westminster should not dictate this change to them.

If, however, the Province in time decides to change its law, that is for them, not for us here as MPs in Westminster to decide. Colleagues will no doubt recall the Secretary of State for Northern Ireland saying in the House recently:

“The Government believe that the question of any future reform in Northern Ireland must be debated and decided by the people of Northern Ireland and their locally elected, and therefore accountable, politicians.”—[*Official Report*, 5 June 2018; Vol. 642, c. 220.]

That was specifically in respect of abortion. She has also said that

“it would not be right for the UK Government to undermine the devolution settlement by trying to force on the people of Northern Ireland something that we in Westminster think is right”.—[*Official Report*, 9 May 2018; Vol. 640, c. 661.]

Those sentiments were reinforced by the Prime Minister, when she said:

“Our focus is restoring a democratically accountable devolved government in Northern Ireland”.

In that clear respect, this motion is contrary to Government policy and should be voted down.

Can we in all conscience vote on the one hand tomorrow on a Bill to

“Facilitate the formation of an Executive in Northern Ireland”,

as its long title commences, respecting the authority of that Executive to make decisions on such issues as roads and infrastructure, and then on the other hand today seek to deny Northern Ireland that authority on a matter of such fundamental social significance as abortion? We cannot, and we must not.

Whatever the views of Members across the House on abortion, they should hear what a number of Northern Irish women who wrote to me said:

“Changing the law in Northern Ireland at this sensitive political moment on this sensitive political issue is bad for devolution everywhere.”

The hon. Member for Edinburgh North and Leith (Deidre Brock) has said from the Scottish National party Benches:

“The decisions of devolved Administrations are taken for reasons that people in those devolved nations understand from their point of view”—[*Official Report*, 5 June 2018; Vol. 642, c. 228.]

Or, as Ruth Davidson, who is in favour of changing the law on this issue, more bluntly puts it:

[Fiona Bruce]

“as someone who operates in a devolved administration, I know how angry I would be if the House of Commons legislated on a domestic Scottish issue over the head of Holyrood”.

This motion is an ignoble endeavour to take advantage of a temporary Executive lacuna and to foist legislation unconstitutionally on to the people of Northern Ireland. In so doing, it would radically alter our own abortion laws here in England and Wales.

Although the Bill has yet to be published, let us look at what it would do. It seeks to permit a woman up to 24 weeks pregnant to obtain an abortion for any or no reason at all—abortion on demand up to five months of pregnancy. We already have some of the most extreme abortion laws in the world, but this would make them even more so. There is no public call or appetite for this whatsoever. Indeed, it is the opposite; there is clearly grave public concern. Apart from Brexit, I have had more cards from constituents asking me to vote against this ten-minute rule Bill than on any other issue in this Parliament. Only 21% of women in England and Wales want an extension to our abortion laws, and less than 2% of them are in favour of sex-selective abortion, which the Bill would legalise up to 24 weeks. It is no good the hon. Lady arguing, as she has, that clinicians’ regulations or practice could cover that issue. The fact is that if her proposals go through, sex-selective abortion will not be illegal in this country up to 24 weeks. Do we want to go the way of Canada, which is now described as

“a haven for parents who would terminate female foetuses in favour of having sons”?

Do we really want to support a Bill—[*Interruption.*]

Mr Speaker: Order. The hon. Lady must be heard. If she wishes to put the matter to the vote, which I believe she does and which is entirely proper, the House will then cast its judgment, but she must be heard with courtesy.

Fiona Bruce: Thank you, Mr Speaker. I do want to put the matter to a vote.

Do we really want to support a Bill that could remove the only opportunity that many women have, often at the most vulnerable stage, to speak confidentially and one-to-one with a doctor about their concerns on abortion and what their alternatives might be? If we really trust women and want them to make the most informed decision and give them the best support we can, surely we should not take away this important legal safeguard. The bottom line is that if there is an abusive relationship, and there is no legal requirement for a doctor’s involvement and no need for a reason to be given for an abortion, it is far more likely that a vulnerable woman will be pressurised into having an abortion by an abusive partner. This Bill does not improve protection for vulnerable women. It reduces it.

The hon. Lady talked about the legislation being out of date, but should we reinforce, as this motion proposes, an outdated 24-week time limit when babies are consistently surviving now at 22 weeks, and some even at 21 weeks and a few days? The Bill is out of step with scientific progress and public opinion. Some 70% of women want this time limit lowered.

In recent weeks, lobbyists supporting this motion, as the hon. Lady said, have said that the UN has called for this change. The UN has done no such thing. The lobbyists for this change cite a report by a minor UN sub-committee, which does not have any standing to rule on the UK’s legal obligations in this respect. As for the non-binding judgment of the Supreme Court, which has also been used to justify this motion, there is nothing in that judgment that could remotely be said to give rise to anything approaching a requirement for the Bill. As Lady Hale said there, we in this place do not have to act.

We should not act, particularly in relation to Northern Ireland, on this issue—not only because it would be unconstitutional, though that is enough, but because the complex ramifications of this proposal, which have clearly not been thought through, would result in contradictory and inconsistent results in different parts of the UK. Those are too detailed to be debated here, but Northern Ireland would in fact be left with a total legal void, with no law covering, for example, the place where an abortion could occur and no legal requirement for abortions to be restricted to legally approved hospitals or clinical settings—abortions for any reason or no reason in any place.

The permanent secretary of the Department of Health in Northern Ireland was asked this year,

“What is the situation if the 1861 Act was to be repealed in the UK?”

His answer was:

“This scenario would leave abortion unregulated in Northern Ireland.”

The best people could hope for there would be some guidance from the Department of Health. The hon. Lady places great reliance on regulators, but regulators do not have the standing of law, as we have recently seen in cases of regulatory failure by the Care Quality Commission. Regulation cannot replace legislation. Taking the responsibility for abortion out of the hands of elected representatives and putting it in the hands of unaccountable medical bodies would be a derogation of our responsibility as Members of Parliament.

To close, I repeat that as Members of Parliament, we must respect our devolution settlements, and particularly in this instance that of Northern Ireland. Whatever Members’ views on abortion, we must vote against this proposal. It is unconstitutional, legally incoherent, untimely and unwanted.

Question put (Standing Order No. 23).

The House divided: Ayes 208, Noes 123.

Division No. 244]

[12.59 pm]

AYES

Abbott, rh Ms Diane
Abrahams, Debbie
Ali, Rushanara
Allen, Heidi
Amesbury, Mike
Antoniazzi, Tonia
Ashworth, Jonathan
Atkins, Victoria
Bailey, Mr Adrian
Bardell, Hannah
Barron, rh Sir Kevin
Benn, rh Hilary

Berger, Luciana
Betts, Mr Clive
Blomfield, Paul
Blunt, Crispin
Brabin, Tracy
Bradshaw, rh Mr Ben
Brake, rh Tom
Brennan, Kevin
Brown, rh Mr Nicholas
Bryant, Chris
Buck, Ms Karen
Burden, Richard

Burton, Richard
 Butler, Dawn
 Byrne, rh Liam
 Cable, rh Sir Vince
 Cadbury, Ruth
 Campbell, rh Mr Alan
 Campbell, Mr Ronnie
 Carden, Dan
 Champion, Sarah
 Chapman, Jenny
 Charalambous, Bambos
 Coffey, Ann
 Cooper, Julie
 Cooper, rh Yvette
 Corbyn, rh Jeremy
 Coyle, Neil
 Creagh, Mary
 Creasy, Stella
 Crouch, Tracey
 Cryer, John
 Cunningham, Alex
 Cunningham, Mr Jim
 Daby, Janet
 Dakin, Nic
 Davey, rh Sir Edward
 David, Wayne
 De Cordova, Marsha
 De Piero, Gloria
 Debbonaire, Thangam
 Dhesi, Mr Tanmanjeet Singh
 Dinanage, Caroline
 Dodds, Anneliese
 Dowd, Peter
 Dromey, Jack
 Duddridge, James
 Duffield, Rosie
 Eagle, Ms Angela
 Eagle, Maria
 Edwards, Jonathan
 Efford, Clive
 Elliott, Julie
 Ellman, Dame Louise
 Elmore, Chris
 Esterson, Bill
 Evans, Chris
 Farrelly, Paul
 Fitzpatrick, Jim
 Fletcher, Colleen
 Flint, rh Caroline
 Fovargue, Yvonne
 Foxcroft, Vicky
 Frith, James
 Gardiner, Barry
 George, Ruth
 Gill, Preet Kaur
 Godsiff, Mr Roger
 Green, Kate
 Greening, rh Justine
 Greenwood, Lilian
 Greenwood, Margaret
 Griffith, Nia
 Haigh, Louise
 Hanson, rh David
 Hardy, Emma
 Harman, rh Ms Harriet
 Harris, Carolyn
 Hayes, Helen
 Hayman, Sue
 Hill, Mike
 Hobhouse, Wera
 Hodge, rh Dame Margaret
 Hodgson, Mrs Sharon

Hopkins, Kelvin
 Huq, Dr Rupa
 Jardine, Christine
 Johnson, Diana
 Johnson, Joseph
 Jones, Darren
 Jones, Gerald
 Jones, Graham P.
 Jones, rh Mr Kevan
 Keeley, Barbara
 Khan, Afzal
 Killen, Ged
 Kinnock, Stephen
 Kyle, Peter
 Laird, Lesley
 Lake, Ben
 Lammy, rh Mr David
 Lee, Karen
 Leslie, Mr Chris
 Lloyd, Tony
 Loughton, Tim
 Lucas, Caroline
 Madders, Justin
 Mahmood, Mr Khalid
 Malhotra, Seema
 Martin, Sandy
 Matheson, Christian
 McCarthy, Kerry
 McFadden, rh Mr Pat
 McGovern, Alison
 McInnes, Liz
 McMahon, Jim
 McMorris, Anna
 Mearns, Ian
 Merriman, Huw
 Miliband, rh Edward
 Moon, Mrs Madeleine
 Mordaunt, rh Penny
 Morden, Jessica
 Morgan, Stephen
 Morris, Grahame
 Murray, Ian
 Nandy, Lisa
 Norris, Alex
 O'Mara, Jared
 Onn, Melanie
 Onwurah, Chi
 Osamor, Kate
 Peacock, Stephanie
 Pearce, Teresa
 Pennycook, Matthew
 Perkins, Toby
 Phillips, Jess
 Phillipson, Bridget
 Platt, Jo
 Pollard, Luke
 Poulter, Dr Dan
 Powell, Lucy
 Rashid, Faisal
 Rayner, Angela
 Reed, Mr Steve
 Rees, Christina
 Reeves, Ellie
 Reynolds, Emma
 Rodda, Matt
 Rowley, Danielle
 Russell-Moyle, Lloyd
 Ryan, rh Joan
 Saville Roberts, Liz
 Shah, Naz
 Sheerman, Mr Barry
 Sherriff, Paula

Shuker, Mr Gavin
 Siddiq, Tulip
 Skidmore, Chris
 Skinner, Mr Dennis
 Slaughter, Andy
 Smeeth, Ruth
 Smith, Eleanor
 Smith, Jeff
 Smith, Laura
 Smith, Nick
 Smith, Owen
 Smyth, Karin
 Snell, Gareth
 Sobel, Alex
 Soubry, rh Anna
 Starmer, rh Keir
 Stevens, Jo
 Streeting, Wes
 Stringer, Graham
 Sweeney, Mr Paul
 Tami, Mark
 Thornberry, rh Emily

Turley, Anna
 Turner, Karl
 Twigg, Stephen
 Twist, Liz
 Umunna, Chuka
 Vaz, Valerie
 Walker, Thelma
 Watson, Tom
 West, Catherine
 Western, Matt
 Whitehead, Dr Alan
 Whitfield, Martin
 Williams, Hywel
 Williams, Dr Paul
 Wilson, Phil
 Wollaston, Dr Sarah
 Woodcock, John
 Zeichner, Daniel

Tellers for the Ayes:

Lyn Brown and

Dr Roberta Blackman-Woods

NOES

Aldous, Peter
 Amess, Sir David
 Bacon, Mr Richard
 Baker, Mr Steve
 Bellingham, Sir Henry
 Blackman, Bob
 Bone, Mr Peter
 Brady, Sir Graham
 Bridgen, Andrew
 Brine, Steve
 Bruce, Fiona
 Campbell, Mr Gregory
 Cartledge, James
 Chalk, Alex
 Chishti, Rehman
 Chope, Sir Christopher
 Clarke, Mr Simon
 Clifton-Brown, Sir Geoffrey
 Coffey, Dr Thérèse
 Costa, Alberto
 Cox, rh Mr Geoffrey
 Crabb, rh Stephen
 Davies, David T. C.
 Davies, Glyn
 Davies, Philip
 Docherty, Leo
 Donaldson, rh Sir Jeffrey M.
 Donelan, Michelle
 Double, Steve
 Drax, Richard
 Duncan Smith, rh Mr Iain
 Ellis, Michael
 Fallon, rh Sir Michael
 Farron, Tim
 Foster, Kevin
 Francois, rh Mr Mark
 Fysh, Mr Marcus
 Gale, Sir Roger
 Gillan, rh Dame Cheryl
 Girvan, Paul
 Glen, John
 Glindon, Mary
 Goodwill, rh Mr Robert
 Grant, Bill
 Gray, James
 Grayling, rh Chris
 Green, rh Damian
 Grogan, John
 Hair, Kirstene
 Hands, rh Greg
 Hayes, rh Mr John
 Heald, rh Sir Oliver
 Hoare, Simon
 Hollinrake, Kevin
 Hollobone, Mr Philip
 Hughes, Eddie
 Jayawardena, Mr Ranil
 Jenkyns, Andrea
 Johnson, Dr Caroline
 Jones, rh Mr David
 Jones, Helen
 Jones, Mr Marcus
 Kane, Mike
 Kawczynski, Daniel
 Kennedy, Seema
 Kerr, Stephen
 Knight, Julian
 Lamont, John
 Leadsom, rh Andrea
 Lee, Dr Phillip
 Lefroy, Jeremy
 Leigh, Sir Edward
 Letwin, rh Sir Oliver
 Lewer, Andrew
 MacNeil, Angus Brendan
 Main, Mrs Anne
 Mann, Scott
 Maskell, Rachael
 Maynard, Paul
 McLoughlin, rh Sir Patrick
 Mills, Nigel
 Moore, Damien
 Murrison, Dr Andrew
 Neill, Robert
 Offord, Dr Matthew
 Onasanya, Fiona
 Parish, Neil
 Pawsey, Mark
 Pearce, Teresa
 Penning, rh Sir Mike
 Percy, Andrew
 Philp, Chris
 Prentis, Victoria
 Pursglove, Tom

Redwood, rh John
 Rees-Mogg, Mr Jacob
 Robertson, Mr Laurence
 Robinson, Gavin
 Robinson, Mary
 Rutley, David
 Selous, Andrew
 Shannon, Jim
 Simpson, David
 Smith, Henry
 Stephenson, Andrew
 Stevenson, John
 Stewart, Bob
 Stewart, Rory
 Streeter, Mr Gary
 Swayne, rh Sir Desmond
 Swire, rh Sir Hugo

Syms, Sir Robert
 Thomas, Derek
 Thomson, Ross
 Throup, Maggie
 Tomlinson, Michael
 Vickers, Martin
 Walker, Mr Charles
 Warburton, David
 Wheeler, Mrs Heather
 Whittaker, Craig
 Wiggin, Bill
 Wilson, rh Sammy
 Wragg, Mr William

Tellers for the Noes:
Emma Little Pengelly and
Chris Green

Question accordingly agreed to.

Ordered,

That Diana Johnson, Dr Roberta Blackman-Woods, Dr Sarah Wollaston, Stella Creasy, Nicky Morgan, Liz Saville Roberts, Norman Lamb, Jo Stevens, Anna Soubry, Christine Jardine, Crispin Blunt and Caroline Lucas present the Bill.

Diana Johnson accordingly presented the Bill.

Bill read the First time; to be read a Second time on Friday 23 November, and to be printed (Bill 276).

Civil Liability Bill [Lords]

Consideration of Bill, as amended in the Public Bill Committee

New Clause 1

RESTRICTION ON INCREASE IN SMALL CLAIMS LIMIT FOR RELEVANT PERSONAL INJURIES

‘(1) In this section, the “PI small claims limit” refers to the maximum value of a claim for damages for personal injuries for which, in accordance with Civil Procedure Rules, the small claims track is the normal track.

(2) Civil Procedure Rules may not increase the PI small claims limit in respect of relevant injury claims to an amount above £1,000 for the first time unless—

(a) the Lord Chancellor is satisfied, and has certified in writing, that on the day the rules are to come into force, the value of £1,000 on 1 April 1999 adjusted for inflation, computed by reference to CPI, would be at least £1,500, and

(b) the rules increase the PI small claims limit to no more than £1,500.

(3) Civil Procedure Rules may not increase the PI small claims limit in respect of relevant injury claims on any subsequent occasion unless—

(a) the Lord Chancellor is satisfied, and has certified in writing, that on the day the rules are to come into force, the value of £1,000 on 1 April 1999 adjusted for inflation, computed by reference to CPI, would be at least £500 greater than on the day on which the rules effecting the previous increase were made, and

(b) the rules increase the PI small claims limit by no more than £500.

(4) In this section—

“CPI” means the all items consumer prices index published by the Statistics Board;

“relevant injury” means an injury which is an injury of soft tissue in the neck, back, or shoulder and which is caused as described in paragraphs (b) and (c) of section 1(4) (negligence while using a motor vehicle on a road, etc.);

“relevant injury claim” means a claim for personal injury that consists only of, or so much of a claim for personal injury as consists of, a claim for damages for pain, suffering and loss of amenity caused by a relevant injury, and which is not a claim for an injury in respect of which a tariff amount is for the time being prescribed under section 2.’—(*Gloria De Piero.*)

This new clause would limit increases in the whiplash small claims limit to inflation (CPI), and allow the limit to increase only when inflation had increased the existing rate by £500 since it was last set.

Brought up, and read the First time.

1.13 pm

Gloria De Piero (Ashfield) (Lab): I beg to move, That the clause be read a Second time.

Mr Speaker: With this it will be convenient to discuss new clause 2—*Small Claims Track: Children and Protected Parties*—

‘(1) The Small Claims Track Limit in relation to claims made by children and protected parties for whiplash injuries may not be increased unless the increase is to an amount which is not more than the value of £1,000 on 1 April 1999 adjusted for inflation, computed by reference to the consumer prices index.

(2) In subsection (1),

“children” means any person or persons under 18;

“protected parties” means any person who lacks capacity to conduct the proceedings;

“lacks capacity” means lacks capacity within the meaning of the Mental Capacity Act 2005’.

This new clause would limit increases in the small claims track limit for those suffering whiplash injuries to inflationary rises only, for people who are either children or people lacking capacity to make decisions for themselves (as defined in the Mental Capacity Act 2005).

Gloria De Piero: We are again confronted with the reforms in the Bill, which will cost the NHS at least £6 million a year and taxpayers at least £140 million a year, the Government admit. Even they accept that it will result in more than 100,000 injured people not pursuing a legitimate claim that they could pursue now; we say the figure is far higher. Insurers, meanwhile, will get an extra £1.3 billion of profit every year. The Government say that they will hand 80% of that to consumers in the form of reduced premiums, but they have said that before, and insurers have saved over £11 billion since the last Government reforms in this area, in the Legal Aid, Sentencing and Punishment of Offenders Act 2012. Despite a brief dip in 2012-13, premiums are now higher than ever.

The Government have moved a little on the Bill, and in Committee the Minister confirmed what he intimated on Second Reading: that vulnerable road users will be exempted from both the Bill and the small claims limit. That is welcome. As Labour has done repeatedly throughout the process, we will attempt today to make the Bill fairer still by setting out some key amendments.

New clause 1 would ensure that the whiplash small claims limit could be increased only in line with inflation based on the consumer prices index, and it follows Lord Justice Jackson’s recommendation that increases should come in £500 increments and only when inflation justifies them.

One of the most disappointing aspects of this package of reforms is the Government’s attempts to sneak through key changes to the small claims track limit through the use of statutory instruments. Today we want to give those changes the scrutiny they sorely deserve and put them in the Bill.

Whereas the threshold for getting legal representation for personal injuries is currently £1,000, the Government are trying to raise it to £2,000 or £5,000, which will make a massive difference to someone injured through no fault of their own. That position is supported by a raft of experts, including some in the Minister’s own ranks—the Tory Chair of the Select Committee on Justice for one. The White Book, which I took the trouble of sharing with the Minister in Committee, shows that there was an effective 20% increase in the small claims limit in 1999 when special damages were removed from the calculation of the limit. I note that the Lord Chancellor conceded in his letter to the Chair of the Justice Committee dated 15 August 2018 that 1999 is the correct date from which to calculate an increase.

It is worth pausing at this point, since the Government now accept that there was a significant change in 1999, to understand what that change meant. An example is given in paragraph 26.6.2 of the White Book:

“a claim for £4,000 for loss of earnings and other losses, plus a claim for £800 for damages for pain and suffering, is a claim which would be allocated to the small claims track”.

In layman’s terms, a claim may be made for under £1,000 for pain and suffering, but when losses and expenses are added in it could be considerably greater. The example in the White Book suggests that, if an £800 pain and suffering award has a losses and expenses claim of £4,000, although the total value of the claim is £4,800, it still falls into the small claims track. We are talking about claims far in excess of the small claims limit.

Lord Justice Jackson, in his review of civil litigation costs, all the recommendations of which the Government accepted and implemented in the 2012 Act, said in paragraph 1.3 of chapter 19 of his 2009 review:

“Personal injuries litigation is the paradigm instance of litigation in which the parties are in an asymmetric relationship.”

In words that we all understand, this is David versus Goliath. Sir Rupert Jackson went on to say that

“the only reason to increase the Personal Injury small claims limit would be to reflect inflation since 1999”

and that

“I propose that the present limit stays at £1,000 until inflation warrants an increase to £1,500”.

He could not have been clearer, yet the Government appear to have plucked the proposed £2,000 limit out of thin air.

The new clause states that the CPI, which is used for the uprating of pensions and benefits paid to injured workers, should be used to calculate the small claims limit. Even the Chief Secretary to the Treasury agrees that CPI is the way to go. She said earlier this year to a House of Lords Committee:

“CPI is a much better measure of inflation...we are seeking to move away from RPI”.

The Governor of the Bank of England agrees, too. He has said:

“We have RPI, which most would acknowledge has known errors. We have CPI, which is what virtually everyone recognises and is in our remit.”

It is perfectly clear what we need to do: enshrine CPI as the key measure in the Bill.

Andy Slaughter (Hammersmith) (Lab): I congratulate my hon. Friend on getting the Government to admit that the increases are arbitrary and not linked to inflation in any way. Is it not the case, therefore, that the only reason for the increases is to prevent injured people from getting representation and thereby preclude people with meritorious cases from getting the damages that they deserve?

Gloria De Piero: My hon. Friend is absolutely right. Even if we use RPI, the Government still do not get to their proposed £2,000 new small claims limit. Instead, using the flawed RPI from 1999 would take the £1,000 to roughly £1,700. That is what we on the Labour Benches suspect is going on here.

Chris Philp (Croydon South) (Con): The hon. Lady is making an argument about whether RPI or CPI should be used, but is there not a bigger point here? For almost all claims generally, outside this area, the small claims track limit is £10,000. If we are to be consistent, is there not a case for making it £10,000, the same as everything else?

Gloria De Piero: We are talking about physical injuries.

Mr Jim Cunningham (Coventry South) (Lab): Surely the only gainers here are the insurance companies. Most people, because legal aid has been reduced, cannot afford solicitors.

Gloria De Piero: Exactly. I do not think anybody in this House will want to shed a tear for those insurance companies whose profits are going up and up. In 2017, profits for Direct Line went up 52% to £570 million and Aviva recorded a profit of £1.6 billion—and I have not even talked about the packages that some insurance company bosses take home.

The Government appear to have rounded this figure up. We say base the figure on the advice and recommendations of countless experts and follow the evidence. Even if the hon. Member for Croydon South (Chris Philp) does not listen to me, I wish he would follow the evidence of the experts. New clause 1 does just that. It would increase the limit only by CPI since 1999 and limit any increase to £1,500. That way, injured people with significant injuries and potentially even more significant losses will get the representation they need and deserve.

Ruth George (High Peak) (Lab): Does my hon. Friend agree that in the case of an accident at work it is even more important that an injured employee is able to get legal representation to take a case against their employer? The employer will be armed with lawyers and their employers' liability insurance company. That is stacked up against an individual whose task will be hard enough. They will be feeling victimised enough as it is.

Gloria De Piero: My hon. Friend is absolutely right. It is not an easy thing to take a case against your boss. You need a lawyer to hold your hand, an expert to talk you through, and the Government's proposals are going to make that so much more difficult. She makes an appropriate point.

New clause 2 would ensure that children and protected persons, for example those lacking mental capacity, are treated the same as other vulnerable groups by excluding them from the small claims limit increase for whiplash injuries. Having made a welcome concession on Second Reading, and clarified in Committee that they would exclude vulnerable road users from the impact of the Bill and secondary measures on the small claims court limit, the Government appear to have forgotten others. Horse riders, pedestrians, motorcyclists and cyclists are rightly to be excluded from the changes, but some of the most vulnerable in our society, who are currently recognised by the courts as requiring special status, will be left, with everybody else, facing a new small claims limit of £2,000 or £5,000. As it stands, any settlement awarded to those who lack capacity to conduct their own proceedings, such as children or someone suffering with a mental disability, must be rubber-stamped by a judge because of the claimant's recognised vulnerabilities. That will continue to be the case after these changes are introduced.

The law requires children and other protected people to have a litigation friend to conduct proceedings on their behalf. In the small claims court, those who provide this required representation are not and will not be paid

for their time. Yet by increasing the small claims limit, there will be a significant increase in the number of people coming through the small claims court with higher-value and more complex cases, where they need a lawyer more than ever. We are asking a litigation friend to take on potentially complicated matters for those most in need, on their own, in their own time, for no pay. Injured horse riders, cyclists and pedestrians and motorcyclists will not be subject to a tariff. The small claims limit for them will remain at £1,000, meaning that they will get a lawyer to act for them for free in any case over that value.

Can the Government not see that children and protected persons need this support, too? How on earth can the Government justify protecting one vulnerable group but not another? Why is the horse rider worthy of exemption, but not a child or a person without the capacity to conduct proceedings? Are we really willing to let some of the most vulnerable people in our justice system be left simply to hope for the good will of others to protect their interests because we in this House have failed to do so?

I know that the Minister is aware of this issue from discussion in Committee with my hon. Friend the Member for Enfield, Southgate (Bambos Charalambous). The Minister suggested returning to this point and that he would be very interested to see an amendment tabled. So here is his chance: a ready-made amendment that makes a simple correction and is an opportunity for the Government to rectify what I presume is an oversight. It simply extends the exemption already provided to others. It removes children from the changes being made to the small claims limit or tariff, and ensures that protected groups are excluded from the increase, the same as horse riders, cyclists and pedestrians. It removes the double standard of some vulnerable road users being granted an exemption and others not. Ultimately, it does little more than extend the protections already afforded to some and allow the Government to show that they care for all.

Chris Philp: Thank you, Mr Speaker, for calling me so early in this debate. I rise to oppose the Opposition's new clause 1, which seeks to prevent the Government or any other public body from increasing the small claims track limit in relation to these personal injury cases, particularly road traffic personal injury cases, above £1,500.

I strongly oppose the measure. I touched on one of the reasons for doing so in my intervention on the shadow Minister earlier. For the vast majority of general commercial claims and indeed personal claims, the small claims track limit is £10,000. The reason it is as high as £10,000 is that some level of materiality is applied to the claim in question. The view taken by Parliament in the past, rightly, is that matters below the £10,000 limit should be sufficiently simple for a small claims track procedure to be used without the involvement of often very expensive lawyers.

In response to my intervention, the shadow Minister, before she was distracted by another intervention, drew attention to the fact that these are personal injuries. I accept that point, of course. However, the fact of their being personal injuries is not germane, in my view, to the question, which is: is the matter sufficiently simple to be adjudicated via the small claims track rather than

through lawyers? That is the question—not whether the matter is serious or not serious but whether the matter is sufficiently simple to be dealt with properly by the small claims track rather than through lawyers. That is why I think there is a strong case, on the grounds of consistency, for a £10,000 rather than a £5,000 limit.

Ruth George: In road accident claims and particularly in employment liability cases at work, establishing who is to blame for an accident is far from simple. It is an extremely different sort of case from that of establishing whether a fridge was working or not when it was bought, or whether there is something wrong with a car. I really think the hon. Gentleman is not doing justice to the victims of personal injury accidents by the arguments that he seeks to make.

Chris Philp: Of course the £10,000 small claims track limit applies to a far wider range of issues than simply whether a fridge functions or not. The hon. Lady mentions as an example the question of culpability for a road traffic accident. Given that we are talking about much less serious types of injury if the limit is, say, £5,000, determining responsibility for that road traffic accident does not need to be an enormously complicated procedure. For those of us who have been involved in such road traffic accidents, the minor ones we are talking about here, determining responsibility is not a highly complicated matter. I accept that, in much more difficult cases where very serious injuries have been suffered, one must of course take a lot more legal care and attention. For very minor injuries, however, where by definition the accident is a minor one, I suggest that determining responsibility and culpability does not need to be an extremely complicated matter.

Andy Slaughter: With the greatest respect, I do not think that the hon. Gentleman knows what he is talking about. Given of the relatively low levels of compensation for injury, the effects of a £5,000 injury can be quite severe and debilitating over a period of time. The complexity of personal injury cases, which involve expert evidence and issues of causation, means that they are in a different category. Even the Government accept that, so he is batting on a rather poor wicket.

1.30 pm

Chris Philp: The hon. Gentleman's arguments are ones that the legal community often advance, whether in this arena or others, to justify very high levels of legal and judicial intervention, which is often very expensive. We need to maintain a sense of proportionality, lest legal costs and expenses get out of control.

Robert Neill (Bromley and Chislehurst) (Con): Will my hon. Friend give way?

Chris Philp: I shall in just a moment. I have seen figures suggesting that 47% of the pay-outs made by insurance companies for these relatively minor road traffic injuries get consumed by legal fees. If such a high proportion of pay-outs is being consumed by expenses, it suggests to me that the entire system is out of proportion, and that some reform is therefore needed. I give way to the Chair of the Justice Committee.

Robert Neill: I am afraid that my hon. Friend is not making the best case on the Government side that I have ever heard. Does he accept that lawyers act in the interests of their clients and that when they do, they are bound by professional obligations? Is not a better point that we should assist people through the system by working up a very good and accessible online portal, which the Minister has sought to do, so that we find the means of balancing cost with people's ability to seek access to justice? I gently say to my hon. Friend the Member for Croydon South (Chris Philp) that that is perhaps a stronger point that the Government have been able to advance. The Minister has taken care to delay the implementation of aspects of the Bill in order to get the online portal up and working, and I suggest that that might be a more fruitful area to consider.

Chris Philp: I am always delighted to take advice and guidance from such a distinguished, learned and experienced Member as my hon. Friend the Member for Bromley and Chislehurst (Robert Neill). He adds further weight to the case by drawing attention to the benefits of the online portal, which I hope could be used to further simplify such matters and enable claimants to manage them, rather than having to rely on lawyers.

Jo Stevens (Cardiff Central) (Lab): I refer the House to my entry in the Register of Members' Financial Interests. Is the hon. Gentleman aware that in most personal injury claims, there are fixed costs for lawyers' fees?

Chris Philp: In many cases there are, but in many cases those costs inflate. I referred to the fact that 47% of the value of pay-outs get consumed by legal fees. I hope that the fixed tariffs provision, which is not the subject of any amendment but is in the Bill, will further simplify matters.

One reason why we have a problem that needs solving in this area—new clause 1 would inhibit that solution—is qualified one-way costs shifting, which was introduced a few years ago. I understand why it was introduced—the shadow Minister referred to David and Goliath—but under a system of qualified one-way costs shifting, unless the respondent can prove quite a high level of intention, deceit or malfeasance, the claimant's legal costs are borne by the respondent in any event, even if the claim is dismissed. That creates significant moral hazard, as it means that claimants can bring claims, even if those claims have relatively little merit, safe in the knowledge that they, or indeed their advisers, will never have to bear the cost of the claim. It is a one-way bet, which means that claimants may as well just have a go and see what happens. The number of cases in which a claimant is shown to be so egregiously fraudulent that they have to pay the cost is extremely small. This one-way bet—this free option—that the legal system now provides is one of the reasons why there has been such an explosion in claim numbers.

Craig Tracey (North Warwickshire) (Con): I should declare that I chair the all-party group on insurance and financial services. I agree with my hon. Friend's opposition to the new clauses. Does he have any thoughts on why personal injury claims have risen by 40% over the last decade, yet during the same period, cars have become safer and accidents have reduced by nearly a third?

Chris Philp: My hon. Friend is right—he makes exactly the point that I was about to come on to. Over about a decade in which accidents have reduced by 30% and cars have become safer, the number of claims has gone up by 40%. He asks why, and I think it goes back to qualified one-way costs shifting. There is a huge financial incentive for claimants to have a go—encouraged, of course, by claims management companies—in the hope that they can make a successful claim. Defendants, typically insurance companies, have rather irresponsibly taken the view that because defending one of these claims—probably successfully—will cost £10,000 or perhaps more, they should simply choose to settle, which may involve paying out £3,000 or £4,000, without bothering to defend the claim. Obviously word has spread both in the claims management community and among the wider public that people can simply make a claim and the insurance company will settle, because it is cheaper for them to settle a bad claim than to fight it. That has created the most extraordinary perverse incentives. Insurance companies have been seriously at fault, as they have set up this situation by paying out for claims with no merit, for understandable commercial reasons, but they have made a big mistake, and we now have to correct it through the Bill.

My hon. Friend asks why the number of claims has increased so dramatically. It is because claims management companies have been phoning around, encouraging the public to submit fraudulent claims, and I will elaborate on that in a moment.

Bambos Charalambous (Enfield, Southgate) (Lab): The hon. Gentleman makes my point for me in saying that insurance companies are paying up on a regular basis. They are not even defending these claims, yet the Bill is designed to protect them. What does he say about that?

Chris Philp: The companies are not defending the claims because qualified one-way costs shifting makes it more expensive for them to successfully defend a claim than simply to pay it out. The system simply is not working.

Sir Edward Davey (Kingston and Surbiton) (LD): Does the hon. Gentleman think that any genuine claimants will be hit by this measure and will not receive the compensation that they should get?

Chris Philp: The right hon. Gentleman raises a fair concern. Of course, we need to make sure that we do not overcompensate and find ourselves in a situation in which genuine claimants are prevented from claiming. The way in which we are legislating strikes that balance and genuine claimants can still make a claim. My hon. Friend the Member for Bromley and Chislehurst referred to the use of an easy-to-operate online portal as a way of ensuring that claims can be handled easily, even by laypeople. The concern that the right hon. Member for Kingston and Surbiton (Sir Edward Davey) raises is reasonable, but I think that the Government have addressed it in their handling of the matter. However, I am sure that the Minister will comment further on the right hon. Gentleman's point.

Eddie Hughes (Walsall North) (Con): This might be a peculiar counter-intuitive point, but it is often the case that whiplash claims are associated with bad headlines

in the press. People think that the numbers of claims are dramatically exaggerated. Perhaps it might be helpful if we send a message from the Chamber about discouraging fraudulent claims, which would mean that people with a genuine claim would be more likely to have their cases dealt with more quickly.

Chris Philp: As always, my hon. Friend makes a very good point. As Members of Parliament, we should send out a clear message to our constituents and the wider public that making fraudulent claims is not a victimless crime. They affect the insurance premiums that all of us and all our constituents pay. Fraudulent claims are extremely bad for society as a whole. They encourage a sense that people can somehow get money without really deserving it, which is morally corrosive as well as financially damaging.

Jo Stevens: I am sure that no one in the Chamber thinks that we should encourage fraudulent claims—absolutely not—but may I bring the hon. Gentleman back to some facts? Between 2015 and 2017, the number of registered claims for whiplash fell by 15%, while the number of claims being reported through the police also fell, which might have something to do with the 37% reduction in the number of road traffic police officers in the last 10 years.

Chris Philp: Clearly the number of injury claims made via an insurance company is not related to the number of police officers on the street. The hon. Lady mentions the slight but welcome reduction in the number of whiplash injuries. Over the same period, the number of claims to insurance companies for back injuries has increased, so the total number of claims is down only very slightly over the last couple of years, and is still dramatically up over 10 years, which is clearly a more meaningful period. When the two are taken together, therefore, there has not been a significant reduction.

Robert Neill: Will my hon. Friend give way?

Chris Philp: How could I possibly resist my hon. Friend?

Robert Neill: The House will know about my declaration in the Register of Members' Financial Interests. I am glad that my hon. Friend has mentioned claims management companies. Would he agree that some of the concerns about balancing access to justice with discouraging fraudulent claims—we all agree about them—would be met by continuing to revise and strengthen the regulation of claims management companies, which are not regulated to the degree that solicitors are, and in particular by bearing down on the employment of paid McKenzie friends—non-qualified, quasi-lawyers who are particularly rife in the claims management sector? Will he work with me in persuading the Government to move swiftly to ban them?

Chris Philp: Once again my hon. Friend makes a very good point—two very good points, in this case. The operation of claims management companies, which have been actively engaged in encouraging the public to commit fraud, has had an extremely negative effect in this area. I want an outright ban on them making cold calls, but I am slightly concerned that even if the Government take all the action that he and I would like, these people, being extremely adept in such matters,

would adapt their behaviour to circumvent the legislation and regulation. For example, they might start making cold calls from outside the UK's legal jurisdiction, as we saw following the ban on referral fees that came into force two or three years ago. Insurance companies were banned from receiving referral fees from claims management companies, but some insurance companies and claims management companies sought to circumvent the ban by setting up what they euphemistically termed "alternative business structures", whereby the claims management company effectively remunerated the insurance company via an equity stake rather than a referral fee. I am therefore concerned that even if we take all the action we can, these often rather dubious characters will find new and ingenious ways of circumventing the legislation.

Ellie Reeves (Lewisham West and Penge) (Lab): I welcome the fact that the hon. Gentleman supports an outright ban on cold calling by claims management companies, but does he agree that the Government's measures in the Financial Guidance and Claims Act 2018 do not go that far? Rather than punishing injured victims, would it not be far better to introduce that outright ban on claims management companies' cold calling?

Chris Philp: As I said a moment ago to my hon. Friend the Member for Bromley and Chislehurst, an outright ban would be welcome—it might be something the Government are looking at in any case—but because these people are so ingenious at circumventing even the best-written rules and regulations, there would still be a problem.

Huw Merriman (Bexhill and Battle) (Con): I thank my hon. Friend for giving way—he is being most generous with his time. May I press him on the point made by my hon. Friend the Member for Bromley and Chislehurst (Robert Neill) about McKenzie friends? I am going back years now, but in my day, when I first started at the Bar, the concept worked very well: they were volunteers who accompanied people to court and assisted them, and they certainly were not paid. Surely we just need to go back to the system as was, as I suggest that things would then work very well.

Chris Philp: I agree wholeheartedly with my hon. Friend, who I know has a distinguished legal background. Both he and the Chair of the Justice Committee have powerfully made the point that McKenzie friends should be voluntary and unpaid. I hope the Minister heard that excellent recommendation, which has now been made by two learned hon. Members of this House.

Sir Edward Davey: I congratulate the hon. Gentleman on making a speech against the Bill. He has admitted that the insurance companies should be fighting the claims, that McKenzie friends should not be paid and that claims management companies should be regulated. He might not have realised it, but he has defeated the Bill by himself.

1.45 pm

Chris Philp: I am grateful to the right hon. Gentleman for granting to me such wide-ranging powers of persuasion, but I am not speaking against the Bill; I am speaking only against new clause 1. Despite all the measures we have just been discussing, including the three that the

right hon. Gentleman mentioned, I do not think that they, on their own, will be enough, for the reasons I have outlined. The financial incentives created by qualified one-way cost shifting will remain, and claims management companies will find ways of circumventing any tightening of the rules that might be legislated for separately. There is no question but that the British public are being incited to submit fraudulent claims on an industrial scale—[*Interruption.*] The shadow Minister, the hon. Member for Leeds East (Richard Burgon), is tut-tutting and shaking his head in a way that leads me to believe he disagrees with that statement—I think that I have fairly summarised his view.

Eddie Hughes: Will my hon. Friend give way?

Chris Philp: I was about to reply to the shadow Minister's implied disagreement, but go on then; I give way.

Eddie Hughes: I just wondered if my hon. Friend would comment on a previous interaction between me and my hon. Friend the Member for Bexhill and Battle (Huw Merriman) about stock car racers, who obviously are involved in multiple collisions and yet do not seem to suffer any whiplash, or at least not to the same extent as others. In addition, people in Greece make far fewer claims than we do in the UK. Will he comment on that?

Chris Philp: Once again, my hon. Friend makes an excellent point. Not only has the number of claims for such injuries dramatically increased over the past 10 years, at a time when the number of road traffic accidents has fallen, but they are far more prevalent here than in other European jurisdictions—not just Greece but countries such as France and Germany. Could it be that British necks are weaker than French and German necks, or could it be that our system encourages fraudulent claims?

Ruth George: The hon. Gentleman, who is making an excellent speech, has answered his own question. He has talked about the prevalence of claims management companies and the way they are inciting people to make claims on an industrial scale. Surely those claims management companies, and the insurance companies they are linked to in most cases, should be bearing the brunt of this problem, not the innocent victims of accidents, as would be the case under the Bill.

Chris Philp: The hon. Lady evidently agrees that claims management companies have been inciting fraud on an industrial scale—a point of view that her Front-Bench colleague perhaps disagrees with. That said, claims management companies are only part of the problem. As I said, the incentives inherent in the system have encouraged the kind of behaviour I have been describing.

I want to come to the implied sedentary disagreement from the shadow Minister earlier. I inferred from his gesticulation that he disagreed with my suggestion that claims management companies were inciting fraud on an industrial scale. I will start with a personal anecdote, which I realise does not make the general point, but I will then come on to that more general point. My interest in this area stems from personal experience. About three or four years ago, just before being first elected, I had a minor road traffic accident while driving

[Chris Philp]

along the M5 to Cornwall with my wife and our two small children. [Interruption.] I think I am being heckled by the Chair of the Justice Committee.

Nobody was injured in the accident—the bumper was a bit dented, but that was it. It happened at low speed, the traffic having slowed down. For about a year, however, I was bombarded with calls to my personal mobile by people from claims management companies, I think, that had somehow found out about the bump, trying to persuade me that I or my family had suffered a neck injury. No matter how often or how insistently I told them that everyone was fine, they would say things such as, “If you just say your neck hurts, you’ll get £3,000.” The incitement to commit fraud was clear and direct. Subsequently, as recently as in the last two or three months, I have received repeated automated calls—robocalls—again to my mobile, although wholly unrelated, I think, to the first set of calls. I received a recorded message saying, “We are calling about your accident. Do you want to talk about it?” There was then a pause during which I was expected to reply. That is clearly happening on an industrial scale.

Jo Stevens: Who does the hon. Gentleman think sold his details to that claims management company?

Chris Philp: In the first instance, it was very likely to have been an insurance company that had been circumventing the referral fee ban through an alternative business structure, which is a practice that I wholly deplore, and I encourage the Government to ban it. However, as I have said three or four times before, simply trying to legislate away claims management companies will not in itself be enough when the incentives inherent in the system are so powerful. Raising the small claims track limit to, say, £5,000—which is still half the level of the general small claims track limit—will serve to diminish the financial incentives in the system whereby lawyers are taking nearly half the value of pay-outs.

Several hon. Members rose—

Chris Philp: I give way to the hon. Member for Hammersmith (Andy Slaughter).

Andy Slaughter: The proportion of fraudulent claims is about 1%. If I understand the hon. Gentleman’s argument correctly, he is saying that all meritorious claimants should be debarred from proper representation so we can identify that 1%, because it is too difficult for the Government to legislate. Is not the truth of the matter that the Government, as always, are joined at the hip to the Association of British Insurers, and are simply legislating in its interests?

Chris Philp: I disagree with all three things that the hon. Gentleman has said. First, as I said earlier to the right hon. Member for Kingston and Surbiton (Sir Edward Davey), the Government have no intention at all of preventing legitimate claims from being made. The Government are keen to facilitate those claims, and the online claims portal will help with that. There is categorically no intention of disbarring, preventing or in any other way inhibiting legitimate claims from being made.

Secondly, the hon. Gentleman referred to the 1% fraudulent claims figure. The reason the reported figure, which in my submission is dramatically under-reported, is so low is that insurance companies are, quite wrongly, choosing to settle those claims—even suspicious claims, even claims without merit—without defending them, because the cost of defending them, which is about £10,000 or £15,000, far exceeds the value of the pay-out. So the 1% figure cited by the hon. Gentleman goes nowhere close to reflecting the true scale of fraudulent claims in this area.

Sir Edward Davey: Will the hon. Gentleman respond to a general point? Does he believe that when we are tackling a problem, in any aspect of society, we should deal with the symptom or the cause?

Chris Philp: Of course we should deal principally with the cause, and that is what the Bill seeks to do. [Interruption.] The right hon. Gentleman asked about causes. We can talk about claims management companies and we can talk about referral fees—those are important issues to deal with—but the cause of this problem is the financial incentives created by qualified one-way costs shifting, whereby claimants, aided and abetted by claims management companies, can have a crack for free, suffering no loss if their unmeritorious claims are dismissed. If the right hon. Gentleman wants to go into the cause of the problem, that is the cause of it, and elevating the small claims track limit to £5,000 will do a great deal to eliminate the cause. If he wishes to address the cause, as his intervention implied, he should vote against new clause 1.

Several hon. Members rose—

Chris Philp: I give way first to my hon. Friend the Member for Bexhill and Battle.

Huw Merriman: I thank my hon. Friend for giving way again. It is not just the case that we do not really know the number of fraudulent cases, although we can certainly make a very fair estimate, given that there are 200,000 extra claims and 85% of them relate to whiplash. The real issue is that we tend not to see any medical reports because of the settlements. It is not just that the cases are not defended; we never see the medical reports, so we do not know exactly what the full figure would be.

Chris Philp: My hon. Friend is absolutely right. Because the claims are settled upfront by the payment of, typically, £3,000 or £4,000, there is often no medical examination. There is therefore no evidence on which to assess whether the claim was fraudulent or not, which is why the 1% figure cited by the hon. Member for Hammersmith (Andy Slaughter) is essentially meaningless.

One of the other provisions in the Bill, which we debated on Second Reading, is the requirement for a medical examination to take place before an offer is made. That is an essential reform. In response to an intervention from me, the Secretary of State for Justice confirmed that such medical examinations would have to be face to face. That would begin to address the issue that my hon. Friend the Member for Bexhill and Battle (Huw Merriman) has rightly raised.

Jo Stevens: I thank the hon. Gentleman for giving way to me again; he is being very generous. He mentioned the purpose of raising the small claims limit to £5,000,

and what that would do. What it will do is deny victims of injury access to justice, as the Government's own impact assessment expressly states.

Chris Philp: I do not accept the premise of the hon. Lady's intervention. I think that in the case of the smaller claims, whose value is less than £5,000, it is perfectly possible and perfectly reasonable for individuals to submit their own claims—these are relatively simple matters—using the online portal to whose importance my hon. Friend hon. Member for Bromley and Chislehurst drew our attention earlier. Members have also referred to the role that unpaid McKenzie friends can play in assisting members of the public who submit claims. I do not accept the suggestion that bona fide claims will be prevented or inhibited by the proposed reforms.

Several hon. Members *rose—*

Chris Philp: The hon. Member for Glasgow South West (Chris Stephens) has tried several times to intervene, so I must give him an opportunity to make his point.

Chris Stephens (Glasgow South West) (SNP): I am grateful to the hon. Gentleman, because he has been generous. May I put a different scenario to him, because this aspect of what he is saying is confusing me? If, in the course of his employment, a resident of Glasgow South West were injured in Croydon South, why would he be treated less favourably because the injury was sustained in the hon. Gentleman's constituency than he would be in the constituency of Glasgow South West? In Scotland personal injury claims are exempt from the small claims limit, and civil legal aid is available to claimants.

Chris Philp: I infer from the hon. Gentleman's question that these matters are devolved in Scotland. Is that the case?

Chris Stephens: It is a different system.

Chris Philp: The two cases are treated differently because there is an entirely different legal system in Scotland, and there is a devolved Government there. It is perfectly within the competence of that devolved Government to take a different view. Clearly the Government in Scotland, and the Scottish Parliament, have taken a different view, as they are entitled to do so, but I, as an English MP—as a London MP—take my own view, and it is the one that I have been expressing here today.

Chris Stephens: I thank the hon. Gentleman for that, but does he realise that the Bill affects 407,000 people—Scottish residents who are employed in England and Wales?

Chris Philp: It may well affect residents of Scotland. Of course, it also affects residents of France, Germany, the United States and Kazakhstan who may choose to visit my constituency. I strongly encourage all of them to do that, by the way. If, heaven forbid, they were to suffer an injury in Croydon South, they would be equivalently affected. The mere fact that there are different rules in different jurisdictions is no reason not to change the rules in this one. Which jurisdiction is the hon. Gentleman suggesting that we align ourselves with? Scotland? France?

Chris Stephens: Scotland!

Chris Philp: While I admire the hon. Gentleman's patriotism in inviting us to follow the Scottish example, I am afraid that this Parliament will form its own view on what is appropriate, and I do not think that he can be in any doubt about what I think the right view is on the question before us today.

Ruth George: The hon. Gentleman is indeed being very generous. However, he constantly claims that the injuries sustained in road traffic accidents are minor. Written into the Bill is that an injury caused by the “rupture of a...tendon or ligament in the neck, back or shoulder” that lasts for up to two years will be included within the limits. Does the hon. Gentleman agree that that sort of “minor injury”, which could affect people for such a large portion of their lives, should be included?

Chris Philp: The Government consulted extensively on the definitions before legislating. I understand that the definition to which the hon. Lady has referred was recommended by the Sentencing Council, and I would certainly not wish to second-guess or naysay the recommendation of such an august institution.

I did not quite have the opportunity to finish a point that I was making in response to the hon. Member for Leeds East who, some moments ago, was expressing disagreement with my suggestion that claims were being farmed on an industrial scale. I have given my own personal example, but I also want to submit to the House, in support of what I said, an example uncovered by *The Sunday Times* in July 2015. It involved a company called Complete Claim Solutions, which was based principally in Brighton but also had an office in the Borough of Croydon—although not in my constituency, I hasten to add. It was discovered to be systematically encouraging members of the public to submit fraudulent claims. It was such a disreputable organisation that it used the film “The Wolf of Wall Street” as an instructional video illustrating the kind of behaviour it considered appropriate. This is no small company; it was responsible for making no fewer than 7 million outbound calls per year. One of its salespeople, Tom Murray, was recorded boasting to a journalist from *The Sunday Times* that he was able to easily persuade the public to lie. He said that “if they want that £2,000, they'll lie.”

He also said:

“When it comes down to a woman who's had an accident...I'll make her cry”

as a way of persuading her to make a claim.

That is just one example of the shocking behaviour of these claims management companies, in this example one making 7 million calls per year.

Several hon. Members *rose—*

2 pm

Chris Philp: I have taken up a great deal of the House's time. *[Interruption.]* I am glad that I have at last said something that finds favour with the Opposition Front Bench. I am sure many other colleagues wish to contribute to this debate.

There is overwhelming evidence that our system is broken, in terms not only of the claims management companies and the use of alternative business structures to get information into their hands, but of the fundamental

[Chris Philp]

incentives inherent in qualified one-way costs shifting. The proposals the Government are contemplating to increase the small claims track limit will do a great deal to choke off this problem at source—to deal with the cause, as the right hon. Member for Kingston and Surbiton requested a few moments ago. For that reason I will be energetically and enthusiastically voting against new clause 1.

Ellie Reeves (Lewisham West and Penge) (Lab): It is a pleasure to speak in this debate. I welcome the opportunity to try to counter the worst aspects of this Bill by speaking to Opposition new clauses 1 and 2.

Access to justice may sound like a catchphrase or buzzword, but it underpins so much within our society, and it should not be bandied about and dismissed with the cavalier attitude currently shown by this Government. The Bill will cause a regression in the ability of genuinely injured people to seek compensation and justice for their injuries. The narrative of wanting to clamp down on fraudulent claims has long worn thin and the statistics the Government are using to justify these policies are entirely erroneous. Of course fraudulent claims are wrong and should be investigated and clamped down on, but we are not experiencing the epidemic levels we have been repeatedly warned of. In 2017, 0.22% of all motor claims were proven to be fraudulent; bearing in mind that that is for all motor claims, whiplash injuries will be an even smaller percentage.

Instead of looking at empirical evidence to create legislation, the Government are using disputed statistics to legitimise their agenda. This is wrong, and the impact on access to justice that the Bill will have will be substantial: 350,000 injured people without the free legal cover they are currently able to access. That is the true cost of implementing the Government's package of measures.

As I outlined on Second Reading and in Committee, the changes to the small claims limit—although not on in the Bill, they are intrinsically related to its content—will be utterly damning on any reasonable definition of access to justice. The proposal to increase the small claims limit from £1,000 to £5,000 in road traffic injury cases and from £1,000 to £2,000 in all other personal injury claims would mean thousands of injured people could fall out of scope for free legal advice and representation and could be denied justice. Costs are not recoverable from the losing party in the small claims court, so injured people will either have to pay their legal costs themselves, which is likely to be cost-prohibitive, or, more likely, forgo legal assistance altogether, or simply not pursue a claim.

In giving evidence during the Justice Committee's inquiry into the small claims limit, the Minister in the Lords, Lord Keen, suggested that injured people could instead seek advice from their citizens advice bureau. I am sure that many Members will understand the great number of cuts that have befallen citizen advice bureaux in recent years, and this suggestion is not only unfeasible but is completely out of touch. If there is to be any change in the small claims limit, it must be done proportionately by pegging it against consumer price inflation.

John Howell (Henley) (Con) *rose*—

Ellie Reeves: I want to make some progress.

That this must be done in this proportionate way is a widely held view, and those who advocate the approach include the Justice Committee, which published a recommendation in its small claims limit report in May; trade unions, including USDAW; the Association of Personal Injury Lawyers; the Law Society; and over 50 Members of this House who have signed my early-day motion calling for the increase to be in line with CPI inflation. These disproportionate and misguided hikes are, it seems, favoured only by this Tory Government and the insurance industry.

New clause 1 in my name and those of my hon. Friends would limit increase in the whiplash small claims limit in line with inflation and permit the limit to increase only when inflation had increased the existing rate by £500 since it was last set. By linking any rise to inflation, it would remove the power from the Lord Chancellor to determine the level and would instead tie it to an economic measure used by both Government and the Bank of England. The Lord Chancellor has an important role, but it is not one that should be afforded powers to artificially dictate rates such as the small claims limit for political reasoning or motivation. If we remove the politics from the decision-making process by using a widely recognised measure such as CPI, people, whether insurers or injured people, can have confidence in the system. It would provide certainty and clarity, be easy to track and would allow stakeholders to adjust for subsequent rises accordingly.

Complementing new clause 1, new clause 2 would firm up the proposal made by my hon. Friend the Member for Enfield, Southgate (Bambos Charalambous) in Committee that would limit increases in the small claims limit for children and people lacking capacity to make decisions for themselves. The Minister stated in Committee that vulnerable road users will be excluded from the Bill and from secondary measures on the small claims limit. This is welcome, but it is disappointing that no Government amendments have been tabled on Report to shore up that promise and include it in the Bill immediately. I hope that this is not a repeat of the Government's promise to pass the predicted £1.3 billion-worth of insurance industry savings on to customers. I am afraid that the amendment in Committee on that issue was little more than a fudge, and its effect on customers' premiums will be negligible at best, while the aggressive changes in the draft tariff system will involve reductions of up to 87% in payments for pain, suffering and loss of amenity from road traffic accident-related soft tissue injuries. Under the proposed tariffs, people will be compensated more for a flight delayed for three hours than for being injured for three months. The widely held and understood values of access to justice should not be undermined on a whim to satisfy the insurance industry.

What these Opposition new clauses highlight above all else is the true damage this Bill will do to access to justice and the principles that uphold the right to access to justice. In Committee, I warned the Minister that the changes made by the Government's package of measures will be similar in scope to the disproportionate implications of the Legal Aid, Sentencing and Punishment of Offenders Act 2012—LASPO—and the unlawful introduction of employment tribunal fees, both of which are key pieces of Tory legislation that have done nothing but remove

the rights of many people in seeking access to justice. What we have been left with is an 84% fall in civil legal aid and a 68% fall in the number of employment tribunal cases as a result of these Tory policies.

Matt Rodda (Reading East) (Lab): Does my hon. Friend agree that this is part of a wider package of pressure on people who have some of the lowest incomes in our society? I wish to be associated with her new clauses and her points, and does she agree that the Government's proposed measures are part of a wider package of pressure on the most vulnerable people in society?

Ellie Reeves: I agree with my hon. Friend. This is yet another attack on ordinary people's access to justice. Should the Bill pass its remaining stages today, those shunned by LASPO and tribunal fees will be joined by an additional 350,000 injured people who will be left without the free legal cover they can currently access.

John Howell: I thank the hon. Lady and fellow Select Committee member for giving way. She has talked about access to justice, but she has not mentioned at all the impact of the online courts. Does she have a feeling about what sort of effect that would have for increasing access to justice?

Ellie Reeves: I thank the hon. Gentleman for making that point.

The Bill will have a significant impact on access to justice, and we know that the portal system is nowhere near ready to accommodate the changes. It has not been properly tested. Under successive Tory Governments, access to justice has fast become a luxury available only to the few. A recent survey showed that 63% of Unison members would not proceed or be confident to proceed with a claim without legal representation. The small claims limit changes in the Bill will push nearly two thirds of genuinely injured people away from pursuing a claim if they do not meet the arbitrarily imposed criteria dictated by the Lord Chancellor. The idiom of adding insult to injury has never been more apt, and it is surely time to think again.

Bim Afolami (Hitchin and Harpenden) (Con): I have done something a bit novel: I have listened to what has been said in the debate, and my remarks will focus on that. I did not come here with a prepared speech; I came here and listened to the contributions from both sides.

I would like to start by responding to the hon. Member for Lewisham West and Penge (Ellie Reeves) and taking up a couple of points that she made. The first relates to the idea that the Government are somehow doing this because of special pleading from the insurance industry and that they are somehow in bed with the industry. The aim of the Bill is to reduce premiums for individuals. That is the focus of the Bill. If I were the insurance industry, I would want premiums to go up, but the aim of this package of measures is for premiums to go down for ordinary people. I therefore do not agree with her assertion.

Another point that the hon. Lady made was that the setting of the limit by the Lord Chancellor, or any future Lord Chancellor, was arbitrary, unfair and unjust, but that is why we have this House and why we have Ministers. They are not here just to do interviews on the

"Today" programme. We have Ministers to make judgments that they are then held democratically accountable for. I accept that Labour Members—or, indeed, at some point in the very distant future, Conservative Members, when they are sitting on the Opposition Benches—might dislike a judgment that is made by a future Lord Chancellor, but we settle these things through the democratic accountability of this House. To reject that principle and to suggest that every limit in any area of law, whether this or anything else, should somehow not—

Ellie Reeves: I thank the hon. Gentleman for giving way. He talks with great passion about the democratic accountability of this House. Does he therefore agree that any changes to the small claims limit should not be done by negative statutory instrument, as the Government are proposing, and that they should instead be debated on the Floor of the House?

Bim Afolami: That is an interesting point. I have served on many Committees, as we all have, and some have huge amounts of engagement from lots of Members while others have less. But this House is not just this Chamber; it is also all the Committee Rooms. Negative statutory instruments provide a way for significant amounts of secondary legislation—I do not know how many pieces of legislation; probably hundreds—to go through Parliament. I cannot agree with the hon. Lady 100% that using that procedure will always result in a lack of democratic accountability, because frankly, in modern government, it plays a significant part in our governance process. I recognise the point she makes, however, and it is fair to say that sometimes people do not pay as much attention in Committees as they might do, but that is fundamentally the case for this Chamber, too.

Ruth George: Does the hon. Gentleman therefore agree that, on occasions, statutory instrument Committees do not provide a democratic procedure, as in the case of the cuts to criminal injuries compensation in 2012? At the time, one Committee completely overturned the Minister's proposals and asked for them to be brought back. A separate Committee was then reconvened, made up of Parliamentary Private Secretaries, and it railroaded through exactly the same criminal injuries compensation cuts. This House should not be seeking to use that kind of procedure for something that is so important to hundreds of thousands of accident victims.

Bim Afolami: I do not want to leave the House, or the hon. Lady, with the impression that I believe that statutory instruments are undemocratic. They are democratic, and they are a form of how we do things in this House. I was unaware of the case that she mentioned. The broader point is that getting primary legislation through, particularly in a hung Parliament such as this, will always be difficult—*[Interruption.]* No, primary legislation is not always the place where we make every single change. That is why we have a Committee system.

2.15 pm

I would also like to draw attention to the personal anecdote offered by my hon. Friend the Member for Croydon South (Chris Philp) about being phoned up by various claims management companies. I have had a similar experience—which I will not repeat in full—although I was going to Scotland rather than to the south-west.

I am still receiving phone calls from the company, and the fundamental reason for that is the incentive structure under which the whole industry operates. Do I agree with hon. Members on both sides who say that certain things in this area need to change? Yes, I do, but does that mean that I should reject a piece of legislation that is designed to tackle certain injustices? No, it does not. So I agree with my hon. Friend on that point.

Bambos Charalambous: Is the hon. Gentleman aware that many of these claims companies operate on a no win, no fee basis? Therefore, if no payment is made and a claim is defended, the claimant will not be paid if they are defeated.

Bim Afolami: That is obviously factually accurate, but we need to ensure that we deal with the cause of these problems. As I have said, the Bill does not deal with everything, but it does deal with at least part of the problem. That, in and of itself, is a valuable thing.

Ruth George: The hon. Gentleman talks about the underlying cause that makes these changes necessary, as has the hon. Member for Croydon South. As they have both identified, that underlying cause is surely the fact that insurance companies should not be defending claims that could be fraudulent.

Bim Afolami: It is partly that, but the important point is that no single piece of legislation in this House can deal with every single problem. We can identify a particular problem and deal with it in a particular piece of legislation.

Huw Merriman: Does my hon. Friend agree that we can speak proudly from these Benches about the fact that civil litigation reform over the past few years has led to changes in no win, no fee, as well as to the banning of referral fees and the use of benefits by these companies? Government Members actually have something to say on this. Those changes have also led to a reduction of about £50 in insurance premiums.

Bim Afolami: I agree with my hon. Friend. I reiterate that the point of this legislation is to bring down insurance premiums for ordinary people by, I think, between 35% and 40%. I look to the Minister to check whether that is right.

Jo Stevens: The UK's leading insurance companies earned more than £2.6 billion in profits in 2016, up on 2015. The proposed changes do not guarantee any reductions in premiums; they simply say that the premiums may fall. There is no guarantee that they will, and we know from previous Bills that this does not happen. Why does the hon. Gentleman suppose that things will be different this time?

Bim Afolami: I take the hon. Lady's point. The industry has pledged to pass this on. My understanding is that premiums fell by an average of roughly £50 a year in 2012. When we talk about averages, we must bear in mind that if premiums were to fall by an average of, say, £35 under this legislation, the figure in some instances would be much greater—especially for young drivers, for example. Those are my remarks, based on what I have seen and heard today, and I commend this speech to the House.

Andy Slaughter: I did not intend to speak, therefore I will be brief. The House is being treated to ad hoc speeches, which are always a delight. They sometimes benefit from a little knowledge of the subject, I gently say to the hon. Member for Hitchin and Harpenden (Bim Afolami). I also urge him not to be quite so credulous of what insurance companies tell us because experience shows that they always say that premiums will go down, and sometimes they go down and then up again, and sometimes they do not go down at all.

I also wonder about the hon. Gentleman's question of whether we can expect everything to be done in a single Bill. I would argue that the two main things that the Bill will do are to prevent people with meritorious claims and those with often serious injuries from getting into court, and, if they get there, to reduce the legitimate level of damages that they can expect to receive. Would not it be better to have a Bill that deals with a matter that probably everybody in the Chamber thinks is right to tackle: strengthening defences against fraud? There has already been some change in legislation to make it easier to defend fraud cases, yet one may ask why insurers still do not instruct lawyers—whom they are able to employ, unlike claimants, perhaps, after the Bill is passed—to defend those cases. Why do they not insist on medical evidence? Why do they in fact encourage fraud? Why does a proportion of insurance companies' profits come either from selling information on, which perpetuates claims management companies, or from owning claims management companies themselves?

The problem with the Bill is that it has the wrong targets. I made that point earlier when I intervened on the hon. Member for Croydon South (Chris Philp). All Labour Members can be brief because he substantially made the case for why this is a bad Bill, as the right hon. Member for Kingston and Surbiton (Sir Edward Davey) said.

However, the hon. Member for Croydon South said that the limit should be £10,000, as if personal injury claims were the same as simple money claims, which no one has ever argued. We are arguing about a difference in what the limit should be. In employers' liability cases, the difference is relatively small, but the difference in road traffic accident cases is substantial: between what inflation would provide—around £1,500 as a small claims limit—and £5,000, which the Bill proposes.

The Association of Personal Injury Lawyers said about the Bill:

"Claims under £5,000 are not minor, and an increase in the small claims limit will cover far more than soft tissue injuries. These claims could include a brain or head injury, injuries to the eyes, a collapsed lung, or fractured cheekbones. This is a disproportionate response to the stated aim of dealing with whiplash claims."

That must be right. We are talking about people who are in a vulnerable condition, having suffered personal injury. As has been said, the inequality of arms is apparent not just in the courtroom but in the background to the case, particularly in the case of employees who take on their employers. That is often done with the assistance of a trade union, lawyers and other advisers. We should not replace that tried and trusted system with McKenzie Friends—whether unpaid or unpaid—who often do more damage than good to the clients they intend to represent. I urge the Minister, even at this

stage, to listen not only to Opposition Members but to some Government Members and particularly to the Justice Committee.

I went through the painful experience of the stages of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, and I have therefore heard many of the arguments trotted out before. We went from a situation whereby legal aid was available for personal injury to no win, no fee cases, and now to qualified one way costs shifting—QOWCS. It is increasingly difficult even for those with the most meritorious cases to get representation. There is not the same availability of representation as there was.

The review of the law post-LASPO is due to report shortly. It will cover not only part 1 but part 2 of LASPO, and if we had waited, we could have seen the effect of the reform to civil litigation, but no, the Government wish to take a sledgehammer to crack a nut. The overwhelming majority—estimates are around 90% of road traffic claims—of cases will be taken out of a costs regime. That means that all those people have to sink or swim on their own. No one, not just the lawyers here, truly believes that it is easy for many people who have suffered accident and injury to navigate through the court system, particularly when they are opposed by an insurance company, with all the resources that it has.

The Bill will not benefit the motorist or the interests of justice. Above all, it will not benefit people who, through no fault of their own, have suffered often serious injuries. It is disgraceful that the Government are legislating once again in the sectional interests of the insurance industry and against those who have suffered injury.

Mr Simon Clarke (Middlesbrough South and East Cleveland) (Con): I rise to support the Bill and speak against new clauses 1 and 2 because, whether through ending rip-off energy bills, freezing fuel duty or increasing the personal allowance for income tax, the Government's constant focus has been to make sure that the consumer is at the heart of their work and to reduce the cost of living for millions of people.

I am therefore pleased that Ministers have identified another area in which the cost of living is artificially and unfairly inflated. At a time when our cars and roads are safer than ever, one would expect the price of motor insurance to come down. Instead, the opposite has happened. Since 2010, there has been an almost 50% increase in the cost of comprehensive insurance premiums, and a near 80% increase in the cost of third-party fire and theft insurance premiums.

Ruth George: Does not the hon. Gentleman agree that the rise in the cost of insurance is, as we have heard in the debate, down to insurance companies not tackling possibly fraudulent claims, thereby creating the problem and making huge additional profits? Does he accept that consumers are also victims of accidents and will be severely affected by the Bill?

Mr Clarke: The hon. Lady is right to say that insurance companies have a duty to tackle fraudulent claims—that is certainly the message that the Government would send out and that I endorse—but the proportion of such claims is relatively small. We need to get the

incentives in the system right so that the most serious cases receive the compensation and the attention that they deserve in the legal system and that the less serious cases receive a proportionate response. Whiplash is a horrible injury, which can be very severe, but we must ensure that the incentives in the system are not so skewed as to push all cases into the most extreme bracket. That simply does not reflect the nature of the injuries that are being suffered and it is not in the country's public policy interest to have insurance rendered hugely more expensive, which the current system does.

Ruth George: Is the hon. Gentleman saying that the tariff for compensation for injuries, which judges currently use, is unfair and overcompensates people with more minor injuries? It covers a range of injuries, not just whiplash.

Mr Clarke: I am saying that there is a need for a proportionate system for compensation. The number of road traffic accident-related personal injury claims has increased by 200,000 since 2006—a rise of approximately 40%. That suggests to me that the incentives in the system are skewed. Insurers predict that, without reform, motor premiums could continue to rise at a rate of about 10% annually. That constitutes a significant burden on the cost of living for millions of us who are dependent on our cars for daily travel, especially in rural communities.

Jo Stevens: Does the hon. Gentleman not think that the UK's leading insurers paying out £2 billion to their shareholders in 2016 might have something to do with the rising cost of insurance premiums?

Mr Clarke: The Bill is designed to make sure there is a closer connection between whiplash claims and medical evidence by introducing a ban on seeking or offering to settle whiplash claims without the appropriate medical evidence. That will discourage fraudulent claims, encourage insurers to investigate claims properly and protect genuine claimants from accepting a settlement without knowing the full extent of their injury.

2.30 pm

Finally, the Bill will change the way in which the personal injury discount rate is set to help ensure genuine claimants receive no more and no less than the 100% compensation they deserve. Under the existing arrangement, the discount rate often produces significantly larger awards than 100% compensation. In fact, according to work by the Government Actuary's Department, claimants receive, on average, 125% of their intended award at the current discount rate.

This package of measures will keep the system fair by ensuring that claimants receive the compensation they deserve while ensuring that the public are not paying unduly high premiums. Together with the changes to the small claims limit, these measures will deliver some £1.1 billion-worth of consumer savings a year and could lead to motorists' insurance premiums falling, on average, by £35 a year. That is very welcome to most families, and it is why this legislation is right, necessary and timely.

Bambos Charalambous: Madam Deputy Speaker, is it appropriate for me to speak to new clause 2?

Madam Deputy Speaker (Dame Eleanor Laing): For the sake of clarity, yes, you may speak to new clause 2.

Bambos Charalambous: I support new clause 2, which is in my name and in the name of other hon. Members. I am concerned that the Bill takes away the protection for children and protected parties such as people with a mental capacity disability.

Under the current civil procedure rules, children and protected parties are required to have legal representation in court when there is a settlement following a civil claim. Children and protected parties are not excluded from the Bill as vulnerable road users. Prior to introducing the Bill, the Government gave exemptions to a small category of vulnerable road users, including cyclists and horse riders, but no such exemption was given to children or protected parties despite their being protected under rule 21 of the civil procedure rules.

The Government should exempt children and protected parties in accordance with rule 21, and the Minister's own Department, the Ministry of Justice, is responsible for setting these rules. I raised this issue with him when the Bill was in Committee and, being a man of his word, he duly got back to me, but his response was disappointing. Part 21 of the civil procedure rules states that for a child or protected party settlement to be made it has to be with the approval of the court. The settlement has to go before a court; there is no issue of it going to a portal. For court approval, children and protected parties need legal representation.

The Minister's response to me suggested that the insurance industry would provide legal representation and that this would solve the problem. Except there would be a clear conflict of interest if the same party were paying for the legal representation of both sides. When choosing a litigation friend for a child or protected party, one of the criteria, under paragraph 3.3 of practice direction 21, is that the party seeking to represent the child or protected party as a litigation friend should have

"no interest adverse to that of the child or protected party".

Clearly someone who is being paid by the insurance industry against the child's claim cannot say that they have no adverse interest.

Sometimes children will be suing their parents in a road traffic accident personal injury case, meaning that the parents will have an adverse interest and cannot act for or represent their children. By not excluding children and protected parties from this Bill, the Minister is making a mockery of the current rules that govern personal injury in England and Wales.

Why should a child be able to access legal representation in a case where they have been injured at, say, an amusement park but not when they suffer the same injuries in a road accident? As things stand, the child or protected party would still have to get a legal opinion before the court makes a settlement, but the cost of the advice would not be recoverable from the negligent defendant, or their insurer, in cases subject to the small claims tariff. Why does the Minister want to take money away from children and protected parties in order to benefit insurers?

There are complexities in these cases, and legal representation is needed more than ever in matters involving children and protected parties. I cannot understand the

Government's logic or rationale in excluding horse riders and cyclists from this Bill but not children or protected parties. Are they saying that injuries suffered by children and protected parties through no fault of their own should be treated less seriously than injuries suffered by cyclists or horse riders? This goes to the heart of the Bill, which is ill-conceived and drafted solely from the point of view of the insurance industry and not of innocent victims who make a claim.

It is shameful that the Government are willing to sacrifice the interests of innocent injured children, and to take away the protection they currently have, enshrined in law, to give the multi-billion pound insurance industry an even bigger advantage in court.

Ruth George: I rise to speak to amendment 1. This Bill was drafted at the behest of the insurance industry, as is clear from every speech in favour of it.

Madam Deputy Speaker (Dame Eleanor Laing): I think the hon. Lady is speaking to new clause 1, rather than amendment 1. We would not want people to be confused.

Ruth George: I beg your pardon, Madam Deputy Speaker.

New clause 1 would amend some of the worst failings of the Bill, which has been drafted at the behest of the insurance industry over several years. The industry has failed to tackle fraudulent claims. We have heard from hon. Members on both sides of the House this afternoon that the industry, which is responsible for so many of the claims management companies and for passing information on to them, is producing the problems that the Government are now seeking to address by further victimising the victims of accidents.

The insurance industry is making billions of pounds of profit and will make a further £1.3 billion from this Bill through the reduction in claims. Victims of accidents are not the people who tend to go to court. Those who lose will be denied access to justice, as both the impact assessment and the excellent report from the Justice Committee make clear.

It is a huge undertaking for a layperson to take a case to court. Most would not even dream of it, especially a case against their employer, who will be armed with their own lawyers and often with an insurance company, which will also be armed with its own lawyers. Unison, the public sector union, surveyed its members 60% and said they would not have taken a case against their employer to get the compensation they deserved for their injury at work if they had to take the case on their own without the support of a lawyer.

It is extremely difficult to determine liability in the case of many accidents at work, especially in instances like those I saw when I worked for the Union of Shop, Distributive and Allied Workers. Deliveries are made to stores by a third party and there are incidents in warehouses that may be the fault of one party, the fault of another company or the fault of the employee. Those arguments are exceedingly difficult to pin down, especially for an individual claimant, and they require the assistance of a lawyer.

The Government assure us there will be an easy online portal for claimants to register a claim. I am sorry, but I am a member of the Select Committee on

Work and Pensions and we were told that there would be an online portal for universal credit, yet 47% of claimants are unable to access the portal. An online portal is, of itself, not an easy thing to access, particularly for people for whom IT is not their natural sphere. I ask the Minister to commit the Government not to roll out these changes to the small claims limit until the portal has been demonstrated to be easily usable by at least 95% of those who seek to use it. I hope that that commitment will be made during the passage of this Bill because, as we have heard, the portal is nowhere near ready and even the pilots have been found by firms of lawyers to be difficult to access.

The arguments made in favour of the Bill have been about the cost of insurance but, as we have heard, that cost has been rising at the same time as insurance companies' profits have been rising. It is not the cost of personal injury claims that has increased insurance; those bodily injury claims have actually reduced by £850 million since 2013. A large degree of the cost rises has been due to the costs of vehicle damage, which have become far higher in the last five years—nearly £700 a year more—because cars are more complicated.

The Bill has been introduced, it is claimed, to crack down on whiplash claims, but it covers far more than simply whiplash. The definition of whiplash itself has been extended far beyond a medical definition, to include all injuries to necks and backs that relate to rupture or strain of muscles, tendons or ligaments lasting up to two years. I hope that no one on either side of the House would feel that such injuries are minor. The Bill also deals with accidents at work, public liability claims and medical negligence. USDAW has estimated that five times as many cases would be caught by this small claims limit as are caught currently. According to the TUC, only one in seven workers make a claim against their employer for an accident at work. So we can see that this move will have a severe impact on the number of claims being made.

Jo Stevens: Does my hon. Friend agree that the Bill will make workplaces more dangerous? I know from experience that, if employers are litigated against as a result of accidents in the workplace, they review their safety policies and make workplaces safer. This Bill will have the opposite effect.

Ruth George: I absolutely concur with my hon. Friend's point, which I raised with the Health and Safety Executive, whose laboratory is in my constituency. It concurred that one of its major concerns is that without claims being made against employers they will cease to militate against risk in the workplace. That is just one of the many problems the Bill will cause, both for victims of accidents and for all other employees in the workplace.

The Minister has heard many examples this afternoon of how the Government could crack down on fraud and on the costs of insurance without cracking down on innocent victims of accidents. The requirement in the Bill for medical reports prior to offers being made is an important one, which all sides are supporting. We hope that the Government would seek to assess the impact of that change before impacting on victims. We have also heard many calls from Members on both sides of the House for claims management companies to be acted against because they are obviously playing the system and we need to make sure that that cannot continue.

This Bill is seeking to make the innocent victims of accidents pay for the fact that insurance companies are not prepared to crack down on fraud and so have come to this Government seeking their help. We have no guarantee that insurance costs will fall, but we do know that insurance companies will make £1.3 billion more a year out of this legislation and that innocent victims of accidents will suffer. I very much hope that the Minister has listened to the arguments being made on both sides of the House today and will accept the new clause.

The Minister of State, Ministry of Justice (Rory Stewart): Let me begin by paying tribute to the high quality of debate today from hon. and right hon. Members on all sides of the House. This has been a serious business. The consultation on the issue began in 2012 and the detailed measures we are debating today were announced in the Budget in autumn 2015. There are disagreements on every side of the House, which are expressed in new clauses 1 and 2, but, more generally, I hope that everybody in the House will recognise that the Bill has been adapted as we have listened a great deal to suggestions made by the Opposition and others. I pay tribute to the hon. and right hon. Members on all sides who pushed for the changes we have introduced on vulnerable road users, on the new role of the consultation with the Lord Chief Justice and on definitions, particularly in respect of whiplash. I also pay tribute to what happened in the other House, where this legislation was considerably revised and improved by efforts from Cross-Bench peers, as well as Labour, Lib Dem and Conservative peers.

2.45 pm

It is a tribute to all the work done in the other place and here that, now, having had dozens of amendments in Committee, we are down to debating two new clauses. I wish briefly to express why it is that, although we acknowledge and recognise some of the powerful arguments made by the hon. Members for Ashfield (Gloria De Piero), for Hammersmith (Andy Slaughter), for High Peak (Ruth George) and, particularly in relation to new clause 2, for Enfield, Southgate (Bambos Charalambous), the Government are proposing that the new clauses should be dropped and that we should proceed with the Bill as drafted.

There are effectively five problems with new clause 1 that lead us to feel that we should not proceed with it. The first is that it would go against the entire policy intent of the Bill. What would happen if, instead of increasing the maximum limit under the small claims track to £5,000, it were held at £1,500? The tripartite policy move has attempted to tackle three things simultaneously: to reduce the incentives for fraudulent or exaggerated claims posed by the pay-outs; to remove some of the compensation that can be achieved by getting one's legal fees covered by the defendant; and to remove some of the current requirements on medical consultation. Those three things need to go together. If we were, for example, to increase the tariffs in line with the proposals that are dealt with by some of the amendments the Opposition have tabled for consideration later, but to leave the small claims limit as it was, we would end up in an unequal system. As my hon. Friends the Members for Croydon South (Chris Philp), for Hitchin and Harpenden (Bim Afolami) and for Middlesbrough South and East Cleveland (Mr Clarke)

have said, there are significant costs to consumers, premium payers and the social system of proceeding with a situation in which some people—not all—are encouraged to make exaggerated and, in some cases, fraudulent claims.

The Government's position is clear: we have enormous respect for the work of personal injury lawyers, who play an honourable and important part in society in representing the interests of victims as a whole, and in no way should this Bill be read as suggesting anything other than our respect for those individuals and the work that they do. However, we argue that the purpose of the small claims court is best dealt with through focusing on the nature of the claim, not on inflation. Many of the arguments that have been made, for example by the hon. Member for Lewisham West and Penge (Ellie Reeves) and others, have focused on the question of inflation. Indeed, the entirety of new clause 1 attempts to set up a system where we look at inflation over the intervening period and determine purely on that basis whether the limit should be raised. However, as the hon. Member for Hammersmith pointed out, our theory is different—it is respected by the practice of the European courts and other jurisdictions: the basic determinant of what goes into the small claims track is not inflation but the complexity of the claim.

Alex Chalk (Cheltenham) (Con): Does my hon. Friend agree that it is important that claims against employers above £2,000 are taken outside the scope of this? It is right in those circumstances, where it can be difficult to make the claim stick, that people should be entitled to recover their costs in the event of a successful claim. Does he agree that making that change was a critical improvement to this Bill?

Rory Stewart: My hon. Friend makes a powerful point, which should, to some extent, reassure the hon. Member for High Peak, some of whose arguments rested on damages in the workplace. The rise to £5,000 does not relate to damages in the workplace. As has been pointed out, it relates only to whiplash injuries suffered in a vehicle.

Robert Neill: I am grateful to the Minister for giving way. I take on board his point that the appropriate test for a small claims regime is complexity or otherwise, but will he recognise that there is a risk that perceived complexity might make claimants vulnerable to the operations of claims management companies, which do not have the high standards and good regulation of personal injury lawyers, as he rightly recognises? What safeguards do the Government intend to put in place beyond this Bill and more generally to make sure that we do not have a displacement effect from well-regulated personal injuries lawyers to unregulated, unscrupulous claims managers of the kind to which my hon. Friend the Member for Croydon South (Chris Philp) and others referred? What more can we do to safeguard against that unintended consequence?

Rory Stewart: This is an issue on which my hon. Friend has been very thoughtful in his role as Chair of the Justice Committee. There are obviously three things that we are endeavouring to do and we are open to more ideas. One of them, of course, is that, through this package of measures, we disincentivise claims management companies from having a significant financial interest

in pursuing this type of case. The second, as my hon. Friend pointed out, is the setting up of an online portal to reassure individuals that they will have a more predictable, more transparent and more straightforward system for pursuing their claims in person. Finally, through consultation with the judiciary, we are looking at the issue of paid McKenzie friends. We are waiting for the judiciary to report back so that we can take action on that issue.

Ruth George: The Minister claimed that raising the limit for workplace accidents to £2,000 would allay my fears, but given that USDAW and other unions have said that this will actually increase the numbers needing to go to the small claims court by five times, it certainly does not. There are still wide concerns around taking cases against employers, as he will know. Will he make any assurance that the portal will be tested, and that it will be ensured that an ordinary layperson can use it before any claims are implemented?

Rory Stewart: Clearly two different cases are being made here. On the question of the online portal, a very serious group of people, which includes insurers and lawyers, is testing it. One of the concessions that was made in the House of Lords—I think it is a good one—is to extend the time before this is rolled out by 12 months so that we have more time to make sure that the testing is done and that the portal operates properly. That is a good challenge.

The point about injuries in the workplace is that that, I am afraid, is outside the scope of the Bill, which is very narrowly defined to deal with whiplash injuries. Indeed, new clause 1 is also very narrowly defined as it deals with only the question of a “relevant injury”, which, in this case, is a whiplash injury. Therefore, while arguments about other forms of injury and employment are very interesting, they are not relevant to the debate on new clauses 1 or 2.

Moving on to the next question about simplicity and inflation, I just wish to point out that the previous Labour Government accepted the principle that inflation was not the only determinant of the levels that the small claims court should meet, because, of course, the small claims limit was raised from £1,000 in 1991 to £3,000 in 1996, and then to £5,000 in 1999 under the Labour Government before it was raised to £10,000 in 2013. Quite clearly those rises were well in advance of inflation and were driven, as indeed was the case for European small claims, by the notion of the simplicity of claims, not a change in either the CPI or the RPI.

Even if one were to accept that there should be a relationship to inflation, the mechanism proposed in new clause 1 seems to be a recipe for falling behind inflation. In effect, the proposal is that an increase should only take place if there had been a rise of at least £500, and should then be limited to £500. It would not take many years of slightly higher inflation than we have now to end up in a situation where, over a five and 10-year period, the increase would be considerably in excess of £1,000, which would then allow for a rise, but we would then find a syncopated system that, very rapidly, would be falling behind inflation.

The more fundamental point is a constitutional one. This is not an issue that is traditionally dealt with through primary legislation, and it is not an issue that is

dealt with in the Bill. That is because increases to the small claims limit are properly an issue for the Civil Procedure Rules Committee, on which the Master of the Rolls, district judges, senior judges, personal injury lawyers—barristers and solicitors, including the president of the Association of Personal Injury Lawyers—and representatives for consumer bodies such as Which? sit. That is a better way of looking at the proper limits than trying take forward primary legislation on the Floor of the House. Technically, there is also another issue with the new clause, which is that subsection (4) should include paragraphs (a), (b) and (c).

That brings me to new clause 2. The hon. Member for Enfield, Southgate (Bambos Charalambous) quite rightly drew our attention to potentially vulnerable litigants, such as infants, children and other protected parties. He argues—on this we absolutely agree—that they suffer the same forms of injuries as any other human, and are entitled to fair compensation and the same degree of representation that would be afforded to any adult. At the moment, that is, of course, provided by the allocation of a litigation partner by the judge concerned.

The hon. Gentleman and the hon. Member for Ashfield asked what happens if that does not work and whether an increase in the number of cases would undermine that system. We have looked at this carefully, because the hon. Gentleman raised the matter in Committee. Our conclusion, having consulted a wide range of individuals, is that we do not believe that that would occur, but a number of safeguards are in place in the worst-case scenario. In most cases, an individual who is in that situation, such as an infant, would be represented by their parents. In a situation in which they were suing their parents, because the parents were, for example, driving the car, a litigation friend would be appointed by the court. In the case that they would be unable to find a competent adult who met all the criteria stated by the hon. Gentleman, including there not being a conflict of interest from that individual, it would be possible to appoint the official solicitor. In a case in which that, too, failed, judicial discretion remains to move the case of the infant out of the small claims track into the fast track, where the legal costs would be recoverable. Of course, judges would still have a very serious role to play in approving any settlement made to an infant or any protected party. That was why Lord Justice Patten made this ruling in the case of *Dockerill v. Tullet*:

“I can see no reason in principle why a small damages claim made by an infant should be taken out of the small claims track merely because of the age of the claimant. It is also clear that the premise on which CPR 45.7 operates is that the normal track for damages by infants will be the small claims track.”

That brings me to my conclusion. This very impressive piece of legislation has involved the upper House, the Opposition and civil society members throughout its Committee stages. The Government have made a number of very serious concessions to make the process more workable. I pay particular tribute to the Justice Committee for the pressure that it has put on us in relation to a very large number of issues, ranging from the online portal to paid McKenzie friends and vulnerable road users. We have now ended up with a Bill that does not do everything that was set out when the Lord Chancellor initially announced it in autumn 2015. Instead, with a series of realistic, focused and pragmatic compromises, we have struck the right balance between the protection of genuine

claimants who have suffered genuine injuries, and the protection of different forms of public interest—in particular, the public interest of people, especially in rural areas, who need to be able to afford their motor insurance in order to move around. This Bill will remove unnecessary complexity, unnecessary costs and, in particular, the moral damage and hazard that currently exist in the form of claims management companies and a few unscrupulous individuals.

As Lord Brown of Eaton-under-Heywood—the previous president of the Supreme Court—pointed out in the upper House, this country is now known throughout the world as a haven for unnecessary whiplash claims. Despite a significant reduction in the number of car accidents and an increase in vehicle safety measures over the past 15 years, if not over the last three, we have seen a significant increase in the number of whiplash claims, which can be accounted for only on the basis of fraudulent and exaggerated claims.

Question put, That the clause be read a Second time.

The House divided: Ayes 240, Noes 287.

Division No. 245]

[3 pm

AYES

Abbott, rh Ms Diane	Cruddas, Jon
Abrahams, Debbie	Cryer, John
Ali, Rushanara	Cummins, Judith
Allin-Khan, Dr Rosena	Cunningham, Alex
Amesbury, Mike	Cunningham, Mr Jim
Antoniazzi, Tonia	Daby, Janet
Ashworth, Jonathan	Dakin, Nic
Austin, Ian	Davey, rh Sir Edward
Bailey, Mr Adrian	David, Wayne
Barron, rh Sir Kevin	De Cordova, Marsha
Beckett, rh Margaret	De Piero, Gloria
Benn, rh Hilary	Debbonaire, Thangam
Berger, Luciana	Dent Coad, Emma
Betts, Mr Clive	Dodds, Anneliese
Blackman-Woods, Dr Roberta	Doughty, Stephen
Blomfield, Paul	Dowd, Peter
Brabin, Tracy	Drew, Dr David
Bradshaw, rh Mr Ben	Dromey, Jack
Brake, rh Tom	Duffield, Rosie
Brennan, Kevin	Eagle, Ms Angela
Brown, Lyn	Eagle, Maria
Brown, rh Mr Nicholas	Edwards, Jonathan
Bryant, Chris	Efford, Clive
Buck, Ms Karen	Elliott, Julie
Burden, Richard	Ellman, Dame Louise
Burgon, Richard	Elmore, Chris
Byrne, rh Liam	Esterson, Bill
Cable, rh Sir Vince	Evans, Chris
Cadbury, Ruth	Farrelly, Paul
Campbell, rh Mr Alan	Farron, Tim
Campbell, Mr Ronnie	Field, rh Frank
Carden, Dan	Fitzpatrick, Jim
Champion, Sarah	Fletcher, Colleen
Chapman, Jenny	Flint, rh Caroline
Charalambous, Bambos	Fovargue, Yvonne
Coaker, Vernon	Foxcroft, Vicky
Coffey, Ann	Furniss, Gill
Cooper, Julie	Gardiner, Barry
Cooper, Rosie	George, Ruth
Cooper, rh Yvette	Gill, Preet Kaur
Corbyn, rh Jeremy	Girvan, Paul
Coyle, Neil	Glendon, Mary
Crausby, Sir David	Godsiff, Mr Roger
Creagh, Mary	Goodman, Helen
Creasy, Stella	Green, Kate

Greenwood, Lilian
 Greenwood, Margaret
 Griffith, Nia
 Grogan, John
 Gwynne, Andrew
 Haigh, Louise
 Hamilton, Fabian
 Hanson, rh David
 Hardy, Emma
 Harman, rh Ms Harriet
 Harris, Carolyn
 Hayes, Helen
 Hayman, Sue
 Healey, rh John
 Hepburn, Mr Stephen
 Hill, Mike
 Hillier, Meg
 Hobhouse, Wera
 Hodge, rh Dame Margaret
 Hodgson, Mrs Sharon
 Hoey, Kate
 Hollern, Kate
 Hopkins, Kelvin
 Howarth, rh Mr George
 Huq, Dr Rupa
 Jardine, Christine
 Johnson, Diana
 Jones, Darren
 Jones, Gerald
 Jones, Graham P.
 Jones, Helen
 Jones, rh Mr Kevan
 Jones, Susan Elan
 Kane, Mike
 Keeley, Barbara
 Khan, Afzal
 Killen, Ged
 Kinnock, Stephen
 Kyle, Peter
 Laird, Lesley
 Lake, Ben
 Lammy, rh Mr David
 Lavery, Ian
 Lee, Karen
 Leslie, Mr Chris
 Lewis, Clive
 Lewis, Mr Ivan
 Lloyd, Stephen
 Lloyd, Tony
 Long Bailey, Rebecca
 Lucas, Caroline
 Lucas, Ian C.
 Madders, Justin
 Mahmood, Mr Khalid
 Mahmood, Shabana
 Malhotra, Seema
 Marsden, Gordon
 Martin, Sandy
 Maskell, Rachael
 Matheson, Christian
 McCabe, Steve
 McCarthy, Kerry
 McDonald, Andy
 McFadden, rh Mr Pat
 McGinn, Conor
 McGovern, Alison
 McInnes, Liz
 McKinnell, Catherine
 McMahon, Jim
 McMorris, Anna
 Mearns, Ian
 Miliband, rh Edward

Moon, Mrs Madeleine
 Moran, Layla
 Morden, Jessica
 Morgan, Stephen
 Morris, Grahame
 Murray, Ian
 Nandy, Lisa
 Norris, Alex
 O'Mara, Jared
 Onasanya, Fiona
 Onn, Melanie
 Onwurah, Chi
 Osamor, Kate
 Owen, Albert
 Pearce, Teresa
 Pennycook, Matthew
 Perkins, Toby
 Phillips, Jess
 Platt, Jo
 Pollard, Luke
 Pound, Stephen
 Powell, Lucy
 Rashid, Faisal
 Rayner, Angela
 Reed, Mr Steve
 Rees, Christina
 Reeves, Ellie
 Reynolds, Emma
 Reynolds, Jonathan
 Rimmer, Ms Marie
 Rodda, Matt
 Rowley, Danielle
 Ruane, Chris
 Russell-Moyle, Lloyd
 Ryan, rh Joan
 Saville Roberts, Liz
 Shah, Naz
 Sheerman, Mr Barry
 Sherriff, Paula
 Shuker, Mr Gavin
 Siddiq, Tulip
 Skinner, Mr Dennis
 Slaughter, Andy
 Smeeth, Ruth
 Smith, Angela
 Smith, Eleanor
 Smith, Laura
 Smith, Nick
 Smith, Owen
 Smyth, Karin
 Snell, Gareth
 Sobel, Alex
 Spellar, rh John
 Starmer, rh Keir
 Stevens, Jo
 Streeting, Wes
 Sweeney, Mr Paul
 Tami, Mark
 Thomas-Symonds, Nick
 Thornberry, rh Emily
 Timms, rh Stephen
 Trickett, Jon
 Turley, Anna
 Turner, Karl
 Twigg, Stephen
 Twist, Liz
 Umunna, Chuka
 Walker, Thelma
 Watson, Tom
 West, Catherine
 Whitehead, Dr Alan
 Whitfield, Martin

Williams, Hywel
 Williams, Dr Paul
 Williamson, Chris
 Wilson, Phil
 Yasin, Mohammad

Zeichner, Daniel

Tellers for the Ayes:
Jeff Smith and
Stephanie Peacock

NOES

Adams, Nigel
 Afolami, Bim
 Afriyie, Adam
 Aldous, Peter
 Allan, Lucy
 Allen, Heidi
 Amess, Sir David
 Andrew, Stuart
 Argar, Edward
 Atkins, Victoria
 Bacon, Mr Richard
 Badenoch, Mrs Kemi
 Baker, Mr Steve
 Baldwin, Harriett
 Barclay, Stephen
 Baron, Mr John
 Bebb, Guto
 Benyon, rh Richard
 Beresford, Sir Paul
 Blackman, Bob
 Blunt, Crispin
 Boles, Nick
 Bone, Mr Peter
 Bottomley, Sir Peter
 Bowie, Andrew
 Bradley, Ben
 Bradley, rh Karen
 Brereton, Jack
 Bridgen, Andrew
 Brine, Steve
 Brokenshire, rh James
 Bruce, Fiona
 Buckland, Robert
 Burghart, Alex
 Burt, rh Alistair
 Cairns, rh Alun
 Cartledge, James
 Cash, Sir William
 Chalk, Alex
 Chishti, Rehman
 Chope, Sir Christopher
 Clark, Colin
 Clarke, rh Mr Kenneth
 Clarke, Mr Simon
 Cleverly, James
 Clifton-Brown, Sir Geoffrey
 Coffey, Dr Thérèse
 Collins, Damian
 Costa, Alberto
 Courts, Robert
 Cox, rh Mr Geoffrey
 Crabb, rh Stephen
 Crouch, Tracey
 Davies, Chris
 Davies, David T. C.
 Davies, Glyn
 Davies, Mims
 Davis, rh Mr David
 Dinanage, Caroline
 Djanogly, Mr Jonathan
 Docherty, Leo
 Dorries, Ms Nadine
 Double, Steve
 Dowden, Oliver

Drax, Richard
 Duddridge, James
 Duguid, David
 Duncan Smith, rh Mr Iain
 Dunne, Mr Philip
 Ellis, Michael
 Elphicke, Charlie
 Eustice, George
 Evans, Mr Nigel
 Evennett, rh Sir David
 Fabricant, Michael
 Fallon, rh Sir Michael
 Field, rh Mark
 Ford, Vicky
 Foster, Kevin
 Francois, rh Mr Mark
 Frazer, Lucy
 Fysh, Mr Marcus
 Gale, Sir Roger
 Garnier, Mark
 Gauke, rh Mr David
 Ghani, Ms Nusrat
 Gibb, rh Nick
 Gillan, rh Dame Cheryl
 Girvan, Paul
 Glen, John
 Goldsmith, Zac
 Goodwill, rh Mr Robert
 Gove, rh Michael
 Graham, Luke
 Graham, Richard
 Grant, Bill
 Grant, Mrs Helen
 Gray, James
 Grayling, rh Chris
 Green, Chris
 Green, rh Damian
 Greening, rh Justine
 Grieve, rh Mr Dominic
 Griffiths, Andrew
 Hair, Kirstene
 Halfon, rh Robert
 Hall, Luke
 Hammond, Stephen
 Hancock, rh Matt
 Hands, rh Greg
 Harper, rh Mr Mark
 Harrington, Richard
 Harris, Rebecca
 Harrison, Trudy
 Hart, Simon
 Hayes, rh Mr John
 Heald, rh Sir Oliver
 Heappey, James
 Heaton-Harris, Chris
 Heaton-Jones, Peter
 Henderson, Gordon
 Hinds, rh Damian
 Hoare, Simon
 Hollingbery, George
 Hollinrake, Kevin
 Hollobone, Mr Philip
 Holloway, Adam
 Howell, John

Huddleston, Nigel
 Hughes, Eddie
 Hunt, rh Mr Jeremy
 Hurd, rh Mr Nick
 Jack, Mr Alister
 James, Margot
 Javid, rh Sajid
 Jayawardena, Mr Ranil
 Jenkin, Sir Bernard
 Jenkyns, Andrea
 Jenrick, Robert
 Johnson, rh Boris
 Johnson, Dr Caroline
 Johnson, Gareth
 Johnson, Joseph
 Jones, Andrew
 Jones, rh Mr David
 Jones, Mr Marcus
 Kawczynski, Daniel
 Keegan, Gillian
 Kennedy, Seema
 Kerr, Stephen
 Knight, rh Sir Greg
 Knight, Julian
 Kwarteng, Kwasi
 Lamont, John
 Lancaster, rh Mark
 Latham, Mrs Pauline
 Leadsom, rh Andrea
 Lee, Dr Phillip
 Lefroy, Jeremy
 Leigh, Sir Edward
 Letwin, rh Sir Oliver
 Lewer, Andrew
 Lewis, rh Brandon
 Lewis, rh Dr Julian
 Liddell-Grainger, Mr Ian
 Lidington, rh Mr David
 Lopez, Julia
 Lopresti, Jack
 Lord, Mr Jonathan
 Loughton, Tim
 Maclean, Rachel
 Main, Mrs Anne
 Mak, Alan
 Malthouse, Kit
 Mann, Scott
 Masterton, Paul
 Maynard, Paul
 McLoughlin, rh Sir Patrick
 McVey, rh Ms Esther
 Menzies, Mark
 Mercer, Johnny
 Merriman, Huw
 Metcalfe, Stephen
 Miller, rh Mrs Maria
 Milling, Amanda
 Mills, Nigel
 Milton, rh Anne
 Mitchell, rh Mr Andrew
 Moore, Damien
 Mordaunt, rh Penny
 Morris, Anne Marie
 Morris, David
 Morris, James
 Morton, Wendy
 Murray, Mrs Sheryll
 Murrison, Dr Andrew
 Neill, Robert
 Newton, Sarah
 Nokes, rh Caroline
 Norman, Jesse

O'Brien, Neil
 Offord, Dr Matthew
 Opperman, Guy
 Parish, Neil
 Paterson, rh Mr Owen
 Pawsey, Mark
 Percy, Andrew
 Perry, rh Claire
 Philp, Chris
 Pincher, Christopher
 Poulter, Dr Dan
 Pow, Rebecca
 Prentis, Victoria
 Prisk, Mr Mark
 Pursglove, Tom
 Quin, Jeremy
 Quince, Will
 Raab, rh Dominic
 Redwood, rh John
 Rees-Mogg, Mr Jacob
 Robertson, Mr Laurence
 Robinson, Mary
 Rosindell, Andrew
 Ross, Douglas
 Rowley, Lee
 Rudd, rh Amber
 Rutley, David
 Sandbach, Antoinette
 Scully, Paul
 Seely, Mr Bob
 Selous, Andrew
 Shapps, rh Grant
 Sharma, Alok
 Simpson, rh Mr Keith
 Skidmore, Chris
 Smith, Chloe
 Smith, Henry
 Smith, rh Julian
 Smith, Royston
 Soames, rh Sir Nicholas
 Soubry, rh Anna
 Spelman, rh Dame Caroline
 Spencer, Mark
 Stephenson, Andrew
 Stevenson, John
 Stewart, Bob
 Stewart, Iain
 Stewart, Rory
 Streeter, Mr Gary
 Stride, rh Mel
 Stuart, Graham
 Sturdy, Julian
 Sunak, Rishi
 Swayne, rh Sir Desmond
 Swire, rh Sir Hugo
 Syms, Sir Robert
 Thomas, Derek
 Thomson, Ross
 Throup, Maggie
 Tolhurst, Kelly
 Tomlinson, Justin
 Tomlinson, Michael
 Tracey, Craig
 Trevelyan, Mrs Anne-Marie
 Truss, rh Elizabeth
 Tugendhat, Tom
 Vaizey, rh Mr Edward
 Vara, Mr Shailesh
 Vickers, Martin
 Villiers, rh Theresa
 Walker, Mr Charles
 Wallace, rh Mr Ben

Warburton, David
 Warman, Matt
 Watling, Giles
 Whately, Helen
 Wheeler, Mrs Heather
 Whittaker, Craig
 Whittingdale, rh Mr John
 Wiggan, Bill
 Williamson, rh Gavin

Wollaston, Dr Sarah
 Wood, Mike
 Woodcock, John
 Wragg, Mr William
 Wright, rh Jeremy
 Zahawi, Nadhim

Tellers for the Noes:
Jo Churchill and
Michelle Donelan

Question accordingly negated.

New Clause 2

SMALL CLAIMS TRACK: CHILDREN AND PROTECTED PARTIES

“(1) The Small Claims Track Limit in relation to claims made by children and protected parties for whiplash injuries may not be increased unless the increase is to an amount which is not more than the value of £1,000 on 1 April 1999 adjusted for inflation, computed by reference to the consumer prices index.

(2) In subsection (1),

‘children’ means any person or persons under 18;

‘protected parties’ means any person who lacks capacity to conduct the proceedings;

‘lacks capacity’ means lacks capacity within the meaning of the Mental Capacity Act 2005”.—
(Gloria De Piero.)

This new clause would limit increases in the small claims track limit for those suffering whiplash injuries to inflationary rises only, for people who are either children or people lacking capacity to make decisions for themselves (as defined in the Mental Capacity Act 2005).

Brought up, and read the First time.

Question put, That the clause be read a Second time.

The House divided: Ayes 243, Noes 288.

Division No. 246]

[3.15 pm

AYES

Abbott, rh Ms Diane
 Abrahams, Debbie
 Ali, Rushanara
 Allin-Khan, Dr Rosena
 Amesbury, Mike
 Antoniazzi, Tonia
 Ashworth, Jonathan
 Austin, Ian
 Bailey, Mr Adrian
 Barron, rh Sir Kevin
 Beckett, rh Margaret
 Benn, rh Hilary
 Berger, Luciana
 Betts, Mr Clive
 Blackman-Woods, Dr Roberta
 Blomfield, Paul
 Brabin, Tracy
 Bradshaw, rh Mr Ben
 Brake, rh Tom
 Brennan, Kevin
 Brown, Lyn
 Brown, rh Mr Nicholas
 Bryant, Chris
 Buck, Ms Karen
 Burden, Richard
 Burgon, Richard
 Byrne, rh Liam
 Cable, rh Sir Vince
 Cadbury, Ruth

Campbell, rh Mr Alan
 Campbell, Mr Ronnie
 Carden, Dan
 Champion, Sarah
 Chapman, Jenny
 Charalambous, Bambos
 Coaker, Vernon
 Coffey, Ann
 Cooper, Julie
 Cooper, Rosie
 Cooper, rh Yvette
 Corbyn, rh Jeremy
 Coyle, Neil
 Crausby, Sir David
 Creagh, Mary
 Creasy, Stella
 Cruddas, Jon
 Cryer, John
 Cummins, Judith
 Cunningham, Alex
 Cunningham, Mr Jim
 Daby, Janet
 Dakin, Nic
 Davey, rh Sir Edward
 David, Wayne
 De Cordova, Marsha
 De Piero, Gloria
 Debbonaire, Thangam
 Dent Coad, Emma

Dodds, Anneliese
 Doughty, Stephen
 Dowd, Peter
 Drew, Dr David
 Dromey, Jack
 Duffield, Rosie
 Eagle, Ms Angela
 Eagle, Maria
 Edwards, Jonathan
 Efford, Clive
 Elliott, Julie
 Ellman, Dame Louise
 Elmore, Chris
 Esterson, Bill
 Evans, Chris
 Farrelly, Paul
 Farron, Tim
 Field, rh Frank
 Fitzpatrick, Jim
 Fletcher, Colleen
 Flint, rh Caroline
 Fovargue, Yvonne
 Foxcroft, Vicky
 Frith, James
 Furniss, Gill
 Gardiner, Barry
 George, Ruth
 Gill, Preet Kaur
 Glendon, Mary
 Godsiff, Mr Roger
 Goodman, Helen
 Green, Kate
 Greenwood, Lilian
 Greenwood, Margaret
 Griffith, Nia
 Grogan, John
 Gwynne, Andrew
 Haigh, Louise
 Hamilton, Fabian
 Hanson, rh David
 Hardy, Emma
 Harman, rh Ms Harriet
 Harris, Carolyn
 Hayes, Helen
 Hayman, Sue
 Healey, rh John
 Hepburn, Mr Stephen
 Hill, Mike
 Hillier, Meg
 Hobhouse, Wera
 Hodgson, Mrs Sharon
 Hoey, Kate
 Hollern, Kate
 Hopkins, Kelvin
 Howarth, rh Mr George
 Huq, Dr Rupa
 Jardine, Christine
 Johnson, Diana
 Jones, Darren
 Jones, Gerald
 Jones, Graham P.
 Jones, Helen
 Jones, rh Mr Kevan
 Jones, Susan Elan
 Kane, Mike
 Keeley, Barbara
 Khan, Afzal
 Killen, Ged
 Kinnock, Stephen
 Kyle, Peter
 Laird, Lesley
 Lake, Ben

Lammy, rh Mr David
 Lavery, Ian
 Lee, Karen
 Leslie, Mr Chris
 Lewis, Clive
 Lewis, Mr Ivan
 Lloyd, Stephen
 Lloyd, Tony
 Long Bailey, Rebecca
 Lucas, Caroline
 Lucas, Ian C.
 Madders, Justin
 Mahmood, Mr Khalid
 Mahmood, Shabana
 Malhotra, Seema
 Marsden, Gordon
 Martin, Sandy
 Maskell, Rachael
 Matheson, Christian
 McCabe, Steve
 McCarthy, Kerry
 McDonald, Andy
 McFadden, rh Mr Pat
 McGinn, Conor
 McGovern, Alison
 McInnes, Liz
 McKinnell, Catherine
 McMahon, Jim
 McMorrin, Anna
 Mearns, Ian
 Miliband, rh Edward
 Moon, Mrs Madeleine
 Moran, Layla
 Morden, Jessica
 Morgan, Stephen
 Morris, Grahame
 Murray, Ian
 Nandy, Lisa
 Norris, Alex
 O'Mara, Jared
 Onasanya, Fiona
 Onn, Melanie
 Onwurah, Chi
 Osamor, Kate
 Owen, Albert
 Pearce, Teresa
 Pennycook, Matthew
 Perkins, Toby
 Phillips, Jess
 Platt, Jo
 Pollard, Luke
 Poey, Stephen
 Powell, Lucy
 Rashid, Faisal
 Rayner, Angela
 Reed, Mr Steve
 Rees, Christina
 Reeves, Ellie
 Reynolds, Emma
 Reynolds, Jonathan
 Rimmer, Ms Marie
 Rodda, Matt
 Rowley, Danielle
 Ruane, Chris
 Russell-Moyle, Lloyd
 Ryan, rh Joan
 Saville Roberts, Liz
 Shah, Naz
 Sheerman, Mr Barry
 Sherriff, Paula
 Shuker, Mr Gavin
 Siddiq, Tulip

Skinner, Mr Dennis
 Slaughter, Andy
 Smeeth, Ruth
 Smith, Angela
 Smith, Eleanor
 Smith, Laura
 Smith, Nick
 Smith, Owen
 Smyth, Karin
 Snell, Gareth
 Sobel, Alex
 Spellar, rh John
 Starmer, rh Keir
 Stevens, Jo
 Streeting, Wes
 Sweeney, Mr Paul
 Tami, Mark
 Thomas, Gareth
 Thomas-Symonds, Nick
 Thornberry, rh Emily
 Timms, rh Stephen
 Trickett, Jon

Adams, Nigel
 Afolami, Bim
 Afriyie, Adam
 Aldous, Peter
 Allan, Lucy
 Allen, Heidi
 Amess, Sir David
 Andrew, Stuart
 Argar, Edward
 Atkins, Victoria
 Bacon, Mr Richard
 Badenoch, Mrs Kemi
 Baker, Mr Steve
 Baldwin, Harriett
 Barclay, Stephen
 Baron, Mr John
 Bebb, Guto
 Benyon, rh Richard
 Beresford, Sir Paul
 Blackman, Bob
 Blunt, Crispin
 Boles, Nick
 Bone, Mr Peter
 Bottomley, Sir Peter
 Bowie, Andrew
 Bradley, Ben
 Bradley, rh Karen
 Brereton, Jack
 Bridgen, Andrew
 Brine, Steve
 Brokenshire, rh James
 Bruce, Fiona
 Buckland, Robert
 Burghart, Alex
 Burt, rh Alistair
 Cairns, rh Alun
 Cartledge, James
 Cash, Sir William
 Chalk, Alex
 Chishti, Rehman
 Chope, Sir Christopher
 Clark, Colin
 Clarke, rh Mr Kenneth
 Clarke, Mr Simon
 Cleverly, James
 Clifton-Brown, Sir Geoffrey
 Coffey, Dr Thérèse

Turley, Anna
 Turner, Karl
 Twigg, Stephen
 Twist, Liz
 Umunna, Chuka
 Vaz, rh Keith
 Vaz, Valerie
 Walker, Thelma
 Watson, Tom
 West, Catherine
 Western, Matt
 Whitehead, Dr Alan
 Whitfield, Martin
 Williams, Hywel
 Williams, Dr Paul
 Williamson, Chris
 Wilson, Phil
 Yasin, Mohammad
 Zeichner, Daniel

Tellers for the Ayes:
Jeff Smith and
Stephanie Peacock

NOES

Collins, Damian
 Costa, Alberto
 Courts, Robert
 Cox, rh Mr Geoffrey
 Crabb, rh Stephen
 Crouch, Tracey
 Davies, Chris
 Davies, David T. C.
 Davies, Glyn
 Davies, Mims
 Davis, rh Mr David
 Dinenage, Caroline
 Djanogly, Mr Jonathan
 Docherty, Leo
 Dorries, Ms Nadine
 Double, Steve
 Dowden, Oliver
 Drax, Richard
 Duddridge, James
 Duguid, David
 Duncan Smith, rh Mr Iain
 Dunne, Mr Philip
 Ellis, Michael
 Elphicke, Charlie
 Eustice, George
 Evans, Mr Nigel
 Evennett, rh Sir David
 Fabricant, Michael
 Fallon, rh Sir Michael
 Field, rh Mark
 Ford, Vicky
 Foster, Kevin
 Francois, rh Mr Mark
 Frazer, Lucy
 Freeman, George
 Fysh, Mr Marcus
 Gale, Sir Roger
 Garnier, Mark
 Gauke, rh Mr David
 Ghani, Ms Nusrat
 Gibb, rh Nick
 Gillan, rh Dame Cheryl
 Glen, John
 Goldsmith, Zac
 Goodwill, rh Mr Robert
 Gove, rh Michael
 Graham, Luke

Graham, Richard
 Grant, Bill
 Grant, Mrs Helen
 Gray, James
 Grayling, rh Chris
 Green, Chris
 Green, rh Damian
 Greening, rh Justine
 Griffiths, Andrew
 Gyimah, Mr Sam
 Hair, Kirstene
 Halfon, rh Robert
 Hall, Luke
 Hammond, Stephen
 Hancock, rh Matt
 Hands, rh Greg
 Harper, rh Mr Mark
 Harrington, Richard
 Harris, Rebecca
 Harrison, Trudy
 Hart, Simon
 Hayes, rh Mr John
 Heald, rh Sir Oliver
 Heapey, James
 Heaton-Harris, Chris
 Heaton-Jones, Peter
 Henderson, Gordon
 Hinds, rh Damian
 Hoare, Simon
 Hollingbery, George
 Hollinrake, Kevin
 Hollobone, Mr Philip
 Holloway, Adam
 Howell, John
 Huddleston, Nigel
 Hughes, Eddie
 Hunt, rh Mr Jeremy
 Hurd, rh Mr Nick
 Jack, Mr Alister
 James, Margot
 Javid, rh Sajid
 Jayawardena, Mr Ranil
 Jenkin, Sir Bernard
 Jenkyns, Andrea
 Jenrick, Robert
 Johnson, rh Boris
 Johnson, Dr Caroline
 Johnson, Gareth
 Johnson, Joseph
 Jones, Andrew
 Jones, rh Mr David
 Jones, Mr Marcus
 Kawczynski, Daniel
 Keegan, Gillian
 Kennedy, Seema
 Kerr, Stephen
 Knight, rh Sir Greg
 Knight, Julian
 Kwarteng, Kwasi
 Lamont, John
 Lancaster, rh Mark
 Latham, Mrs Pauline
 Leadsom, rh Andrea
 Lee, Dr Phillip
 Lefroy, Jeremy
 Leigh, Sir Edward
 Letwin, rh Sir Oliver
 Lewer, Andrew
 Lewis, rh Brandon
 Lewis, rh Dr Julian
 Liddell-Grainger, Mr Ian
 Lidington, rh Mr David

Lopez, Julia
 Lopresti, Jack
 Lord, Mr Jonathan
 Loughton, Tim
 Maclean, Rachel
 Main, Mrs Anne
 Mak, Alan
 Malthouse, Kit
 Mann, Scott
 Masterton, Paul
 Maynard, Paul
 McLoughlin, rh Sir Patrick
 McVey, rh Ms Esther
 Menzies, Mark
 Mercer, Johnny
 Merriman, Huw
 Metcalfe, Stephen
 Miller, rh Mrs Maria
 Milling, Amanda
 Mills, Nigel
 Milton, rh Anne
 Mitchell, rh Mr Andrew
 Moore, Damien
 Mordaunt, rh Penny
 Morris, Anne Marie
 Morris, David
 Morris, James
 Morton, Wendy
 Mundell, rh David
 Murray, Mrs Sheryll
 Murrison, Dr Andrew
 Neill, Robert
 Newton, Sarah
 Nokes, rh Caroline
 Norman, Jesse
 O'Brien, Neil
 Offord, Dr Matthew
 Opperman, Guy
 Parish, Neil
 Paterson, rh Mr Owen
 Pawsey, Mark
 Percy, Andrew
 Perry, rh Claire
 Philp, Chris
 Pincher, Christopher
 Poulter, Dr Dan
 Pow, Rebecca
 Prentis, Victoria
 Prisk, Mr Mark
 Pursglove, Tom
 Quin, Jeremy
 Quince, Will
 Raab, rh Dominic
 Redwood, rh John
 Rees-Mogg, Mr Jacob
 Robertson, Mr Laurence
 Robinson, Mary
 Rosindell, Andrew
 Ross, Douglas
 Rowley, Lee
 Rudd, rh Amber
 Rutley, David
 Sandbach, Antoinette
 Scully, Paul
 Seely, Mr Bob
 Selous, Andrew
 Shapps, rh Grant
 Sharma, Alok
 Simpson, rh Mr Keith
 Skidmore, Chris
 Smith, Chloe
 Smith, Henry

Smith, rh Julian
 Smith, Royston
 Soames, rh Sir Nicholas
 Soubry, rh Anna
 Spelman, rh Dame Caroline
 Spencer, Mark
 Stephenson, Andrew
 Stevenson, John
 Stewart, Bob
 Stewart, Iain
 Stewart, Rory
 Streeter, Mr Gary
 Stride, rh Mel
 Stuart, Graham
 Sturdy, Julian
 Sunak, Rishi
 Swayne, rh Sir Desmond
 Swire, rh Sir Hugo
 Syms, Sir Robert
 Thomas, Derek
 Thomson, Ross
 Throup, Maggie
 Tolhurst, Kelly
 Tomlinson, Justin
 Tomlinson, Michael
 Tracey, Craig
 Trevelyan, Mrs Anne-Marie

Truss, rh Elizabeth
 Tugendhat, Tom
 Vaizey, rh Mr Edward
 Vara, Mr Shailesh
 Vickers, Martin
 Villiers, rh Theresa
 Walker, Mr Charles
 Wallace, rh Mr Ben
 Warburton, David
 Warman, Matt
 Watling, Giles
 Whately, Helen
 Wheeler, Mrs Heather
 Whittaker, Craig
 Whittingdale, rh Mr John
 Wiggin, Bill
 Williamson, rh Gavin
 Wollaston, Dr Sarah
 Wood, Mike
 Woodcock, John
 Wragg, Mr William
 Wright, rh Jeremy
 Zahawi, Nadhim

Tellers for the Noes:

**Jo Churchill and
 Michelle Donelan**

Question accordingly negated.

Clause 3

DAMAGES FOR WHIPLASH INJURIES

3.30 pm

Gloria De Piero: I beg to move amendment 2, page 3, line 14, leave out clauses 3 to 5.

This amendment would remove the creation of tariffs for whiplash injuries and retain the existing system where judges decide compensation levels with reference to Judicial College Guidelines.

Madam Deputy Speaker (Dame Rosie Winterton): With this it will be convenient to discuss Government amendment 1.

Gloria De Piero: Amendment 2 gets to the heart of our issues with the Bill and would remove the whiplash compensation tariff system altogether. We are dealing with human beings who experience pain differently, who have different lives and who will all be affected by a similar injury in a slightly different way. We would not accept a pricing of insurance premiums that did not take account of whether we drove a Mini or a Maserati, and we would not accept a standard payment for damage to a car, regardless of its state after an accident. Where is the justification for using such a blunt instrument as a tariff to calculate pain?

We all want to stamp out false whiplash claims, but why should HGV drivers, firefighters or parents driving their kids to school be treated like fraudsters claiming falsely for whiplash, left with tariff compensation and no legal help? As Lord Woolf, the eminent former Law Lord who carried out a review of civil justice after being commissioned by a previous Conservative Government, pointed out in the Lords:

“The effect of whiplash injuries, with which we are concerned, can vary substantially according to the physical and mental sturdiness of the victim. This means that the appropriate amount

[Gloria De Piero]

of damages for a whiplash injury can vary substantially... I suggest that they are not suited to a fixed cap, as proposed by the Government."

He went on to say that a tariff

"offends an important principle of justice, because it reduces the damages that will be received by an honest litigant because of the activities of dishonest litigants."

The Government's proposals will punish the honest based on the behaviour of the dishonest, but how big is that dishonest group? The ABI said in 2017 that insurers paid out in 99% of all cases and that fraud was proven in only 0.22% of cases. Woolf decried the Government's move to

"interfere with the Judicial College guidelines by substituting tariffs or a cap, which lack the flexibility of the guidelines."

He went on in speaking against the proposed dismissal of a tried and tested system of justice to say that the Lord Chancellor

"is motivated, at least in part, not by the normal principles of justice as I understand them but by saving insurers money, in the belief that this will result in a reduction in premiums for motorists who are insured when they come to pay for their insurance."

Later, he put it as strongly as simply saying:

"There is no precedent for this intervention in the assessment of damages in civil proceedings."—[*Official Report, House of Lords*, 12 June 2018; Vol. 791, c. 1593-1595.]

He went on to quote Sir Rupert Jackson, who said:

"It is the function of judges (not Parliament) to set the tariffs for pain, suffering and loss of amenities in respect of different categories of personal injuries".

Lawyers who deal with such issues all the time have pointed out how people who are already suffering, and perhaps unable to earn a living due to their injury, will be worse off under the proposed tariff. They include experienced legal practitioners from the Tory Back Benches, such as Baroness Berridge, who said:

"I have met many a claimant for whom the difference in damages now proposed by the introduction of the tariff, taking some damages from four figures—£1,200 or £1,400—down to the likes of £470 is a significant matter for many peoples' incomes up and down this country. I cannot have it portrayed that this might not make a great deal of difference to many ordinary people in the country."—[*Official Report, House of Lords*, 12 June 2018; Vol. 791, c. 1611.]

That is from a Government Back Bencher.

Alex Chalk: The hon. Lady is making fair points, but it is important to take into account that the claim may consist partly of a general damages component and also a special damages component. Does she agree that if the individual had, for example, been required to take time off work and had incurred costs—or losses—in the process, he would still be able to litigate and seek to recover those damages?

Gloria De Piero: The tariff system would mean that somebody who today was entitled to £1,200 or £1,400 would be compensated with far less. I am quoting Baroness Berridge.

Alex Chalk: We have to be really careful in this debate to draw a distinction between general damages, which are for pain, suffering and loss of amenity, as with whiplash, and special damages, such as the cost of taxis or lost employment. Does the hon. Lady agree that special damages will still be recoverable in the normal way and that we should not be confusing the two?

Gloria De Piero: I am choosing to focus on the injuries incurred. For a soft tissue injury lasting six months, an individual would today get between £2,150 and £3,810 but, if the Bill passes, they would get £805. I am choosing to focus my speech on those huge differences. That is the practical reality of what this tariff system will mean.

There is another important principle. It is a significant step to mess with the proud tradition of an independent judiciary in this country, and the Government should not take that lightly. The Justice Committee, too, could not have been clearer in its criticism of how the tariff system will harm access to justice. We hope the Government will listen to the Justice Committee and eminent judges—and, yes, us—and accept this amendment to remove the tariff system.

Mr Simon Clarke: It is a pleasure both to speak in support of the Bill and, unfortunately, against the amendment put forward by the hon. Member for Ashfield (Gloria De Piero). It is really important that the Bill is proportionate in achieving the outcomes we want of ensuring that the public get the protection they need from injuries that can be so devastating, while at the same time compensating them in such a way that we do not burden the wider consumer with unsupportable bills. Earlier, I spoke about the fact that premiums need to remain affordable.

Amendment 2 would remove the ability to set a fixed tariff for whiplash compensation in regulations. As I mentioned earlier, the tariff system will ensure that claimants receive a proportionate level of compensation. This will significantly reduce and control the spiralling cost of whiplash claims and disincentivise unmeritorious claims. As with any such tariff system, I can understand the concern that it may not provide the flexibility necessary to ensure that compensation accurately reflects the true nature of someone's injuries.

However, the Government have taken a number of important steps to ensure that such flexibility still exists. First, the tariff would not be flat for all cases, but staggered, depending on the severity of injury. Secondly, in addition to a tariff payment, all claimants will continue to receive special damages covering compensation for any actual financial losses suffered as a result of their accident. Finally, clause 5 gives the court discretion to deviate from the tariff in exceptional circumstances and when it is clear that a higher level of compensation would be appropriate.

This therefore seems to me to be exactly the type of Bill we should be bringing forward. It is sensible, and it does indeed allow us to provide the protection that people need, without the risk of putting up premiums. I do not believe that amendment 2 would achieve very much, other than wrecking the central point of the Bill, which as I say is to achieve such an upsurge in affordability.

Robert Neill: My hon. Friend makes a fair point. Opposition Members have referred to the Justice Committee's report, but has he noted that although the noble Lord Woolf was indeed critical of the changes in the terms that have been quoted today, the noble Lord Brown of Eaton-under-Heywood, a former justice of the Supreme Court, did not have an in-principle objection to the tariff system? Does he agree that the devil in the detail is what will be in the regulations on the exceptional

circumstances uplift and how that will apply? Is he, like me, pleased to see that there is a commitment to consult the Lord Chief Justice on those regulations, and does he agree that it is important that that consultation is real, thorough and detailed?

Mr Clarke: My hon. Friend speaks with the authority of not just a Select Committee Chair but someone who thinks deeply about these issues. There are safeguards built into the Bill, precisely to ensure that we achieve the robust, balanced and responsive framework that good legislation should aim for. I noted earlier that the Lord Chancellor will have a duty to keep all the relevant legislation under review on a triennial basis, so there will be checks to ensure that compensation thresholds do not become wildly out of kilter. Indeed, part of the reason why the Bill is necessary is that the thresholds have been allowed to drift for a very long time without being amended. That has led to a more dramatic uplift than is customary or than I would ever hope to see in future. We want to ensure that we always have a rolling programme rather than dramatic changes, which unfortunately affect more people than a more staged mechanism would. However, that does not mean that there is not a case for acting, so unfortunately I cannot support amendment 2.

Andy Slaughter: I will speak only briefly, because a number of the points to be made in this debate are the same ones that we made in the previous debate. There is no logic or sense to the Government's rationale; they simply want to minimise the damages paid to litigants who have legitimate and in some cases serious injuries.

The noble Lord Woolf has been quoted several times. The Woolf report led to progressive and now legendary reform of the civil justice system, so he very much knows what he is talking about on this issue as on so many others. He said that the tariff

"results in injustice and it is known to result in injustice. Indeed, no one can deny that it results in injustice. There has never been a case where legislation deliberately introduces injustice into our law. It may be that it is only in regard to small claims, but surely it is important that we pause before we do that."—[*Official Report, House of Lords*, 12 June 2018; Vol. 791, c. 1620.]

I agree that the Government should pause, and I would say that there is an objection in principle to the tariff in this case. No good reason has been given why this should not be a judicial process rather than an administrative or politically affected process.

There is also an issue of quantum to consider. The proposed sums in the tariff are derisory for what are often quite serious injuries lasting for periods up to 24 months. An injury that lasts for two years is likely to be serious and is certainly a persistent one that will cause a lot of pain and suffering. It has been pointed out that at the lower end of the spectrum—nought to three months, which still includes cases of pain and discomfort lasting a significant time—the proposed sum is £235. The Law Society's briefing compares that with the amount of compensation that somebody might get for a flight that has been delayed for three hours, which could be considerably in excess of that amount. As well as the matter of principle, there is the point that the actual financial compensation is being minimised for no good reason.

Kevin Hollinrake (Thirsk and Malton) (Con): The hon. Gentleman talks about injustice. Is it not an injustice that many motorists are paying inflated insurance premiums because some people are getting an unreasonable level of compensation for their injuries? Is that not what the Bill is intended to prevent?

Andy Slaughter: It is not, because I do not know what the hon. Gentleman means by an unreasonable level of compensation—

Rebecca Pow (Taunton Deane) (Con): Will the hon. Gentleman give way?

Andy Slaughter: Please give me a moment to answer the first point, then I will willingly give way.

I do not know whether the hon. Gentleman is saying that it is unreasonable because these injuries are exaggerated or fraudulent, or that people should not be compensated according to accepted judicial tariffs. Nobody has ever said—that I know of—that the levels of compensation that are awarded under the Judicial Studies Board guidelines are over-generous in this country. What we are doing is simply taking those realistic—some would say, rather parsimonious—levels and reducing them by a substantial degree, so I think the point is nonsense, frankly. However, I give way to the hon. Member for Taunton Deane (Rebecca Pow), who will make a much more sensible point, I am sure.

3.45 pm

Rebecca Pow: On that point, from the general public's point of view, there is a consensus that people are taken for a ride over all these claims. Many of them are encouraged to go into this system of claiming when perhaps they do not necessarily have a great case. A great deal of money is made through the legal system, and people want to see fairness. My hon. Friend the Member for Thirsk and Malton (Kevin Hollinrake) is absolutely right: most people's motor insurance is going up and up to compensate. Does the hon. Member for Hammersmith (Andy Slaughter) agree that that is not fair? What we are trying to do with the Bill is to introduce fairness to a system that frankly—many people would say—has got out of control.

Andy Slaughter: I congratulate the hon. Lady on getting a helter skelter of nonsense into one intervention, with every prejudice and false statement that has been made in the tabloid press about these matters for about the last 10 years—well done on that. I could make a long speech dealing with the specific issues of—[HON. MEMBERS: "Go on!"] We have got time, haven't we? No, I will not. I could go into detail about some of the myths about whiplash and soft tissue injuries and what is actually happening in relation to accidents, the insurance industry and premiums, because I have been an observer of that for a long time. However, let me limit myself to a fairly narrow point.

I have listened to the arguments from Government Members, and they are just non-sequiturs, frankly. We have heard that insurance premiums are the issue. Let us imagine that we give the benefit of the doubt there, which I certainly do not, and say that premiums are likely to fall significantly and that that is a factor relating to claims rather than to insurance companies'

[*Andy Slaughter*]

profits, the other activities that they indulge in and the way that their businesses are run. I do not accept that, but let us assume that we do for a moment.

The hon. Member for Cheltenham (Alex Chalk) is no longer in his place, but he made a surprisingly illogical—for him—intervention. He said, “Look, people will still get special damages.” Of course they will get special damages, but special damages are what the name suggests—they are to compensate for specific items of loss. Why should the fact that someone still gets compensation for their loss of earnings or their medical bills, or something of that nature, mean that it is right to diminish their compensation for pain and suffering and loss of amenity? These are all non-sequiturs. The worst calumny of all is to say, “We are reducing the level of damages from slightly mean levels to absolutely parsimonious levels because of fraud”, which is exactly what we heard in relation to the small claims limit. So many members of the senior judiciary and indeed, of Select Committees, including not just the Justice Committee, but the Transport Committee, have said that it is plain wrong to say that because there may be instances of fraud, of which very few are identified, all litigants should suffer by having their damages reduced.

Victoria Prentis (Banbury) (Con): I understand what the hon. Gentleman is saying about quantum, but I would be interested to know, theoretically, whether he objects to the idea of tariffs being appropriate for this sort of compensation. I remind him that Lord Brown said

“I am in broad agreement with the whole idea of tariffs for injuries, certainly for lesser injuries, and indeed even of reducing awards in respect of a number of these lesser injuries.”—[*Official Report, House of Lords*, 10 May 2018; Vol. 791, c. 306.]

Does the hon. Gentleman agree that tariffs can be appropriate with, for example, criminal injuries compensation?

Andy Slaughter: There is an element of semantics going on here. We have guidelines at the moment. Judges do not pluck figures out of thin air. They look at the guidelines and hear submissions, or they would have heard submissions when representation was available—it seems it no longer will be—and they make a decision, but they have discretion around the individual circumstances of the case. That is a basic and fundamental principle of law, but one that we are deviating from. I cannot say strongly enough that that is wrong.

To add insult to injury—if I may put it that way—rather than taking the average in the guidelines and having a rough rule of thumb that someone will get a bit more or a bit less than their individual case deserves, or going for an average and calling that a tariff, we are saying that a tariff should be a tiny percentage of the current award. This is nothing but an attempt to say, “We do not wish to pay out money in this way. We wish to diminish both the ability to make a claim and the compensation paid.” Whatever one’s view on fraud, the massive majority of cases will be meritorious and honest cases in which people have genuinely suffered injury.

I will conclude with the words of the former Lord Chief Justice of England and Wales, Lord Judge, on Report in the other place:

“What I cannot accept is a solution which means that a dishonest claim is handled in exactly the same way as an honest one. We cannot have dishonesty informing the way in which those who have suffered genuine injuries are dealt with. That is simply not justice. There should not be any idea that an honest claim for a whiplash injury made by the victim of a car accident should be less well compensated than an identical injury suffered by someone at work.”—[*Official Report, House of Lords*, 12 June 2018; Vol. 791, c. 1600.]

That is what the Government are doing in the Bill and what is so inherently unfair, and they are doing it at the behest of special interests. They may genuinely believe that there is a problem to be resolved with whiplash. I could dispute that—we could go on for a lot longer than we are today—but even if they are right, there are other, better and fairer ways to tackle that issue.

Bambos Charalambous: Is my hon. Friend aware that under the criminal injuries compensation scheme someone gets £1,000 for a whiplash injury lasting six to 13 weeks but that under this tariff scheme the proposal is for £470 for three to six months?

Andy Slaughter: My hon. Friend, who knows far more about these matters than I do—and more, I suspect, than many on the Government Front Bench—is quite right. He draws attention to the fact that there is no logic in the system.

I feel a bit sorry for the Minister as he has to push these proposals forward; he is normally a very logical and fair man. It is difficult to speak at the Dispatch Box having been given a brief of this quality. When parliamentarians of his stature and of the stature of the hon. Member for Cheltenham, with his spurious points about special damages, are reduced to this level, and when Government Back-Bench Members are hauled in here, as we saw in the previous debate, to make speeches only to be told to stop making them because they are talking such arrant nonsense, one does despair. I hope even at the 11th hour that the Government might take pity on us, listen to the wise voices in the other place and support us on these amendments.

Kwasi Kwarteng (Spelthorne) (Con): A number of the things that the hon. Member for Hammersmith (Andy Slaughter) suggested as being completely outrageous many of his constituents and certainly a lot of mine would completely agree with.

The Transport Committee, of which I was a member for three years, looked at this issue, and it was apparent even then that whiplash was a peculiarly British phenomenon. On the continent, particularly Germany, they do not have nearly as many whiplash injuries. I suggested at a previous stage of the Bill that this had nothing to do with the physiognomy of Germans as against that of British people. I made the point very clearly that I did not believe that their necks were more robust than good old-fashioned British necks. It was a flippant way of making a salient point: this is a national issue. In Britain, we seem to suffer from these injuries a lot more than people in other countries.

Rebecca Pow: My hon. Friend has made an amusing start to his speech. Is it not strange that while the number of traffic accidents has gone down, the proportion of whiplash claims has gone up? Is it that our necks

have become flimsier? What does he put this down to? Do we not need to seriously address this issue, as we are doing in the Bill?

Kwasi Kwarteng: I am not an anatomist. I am not a biological specialist. I cannot give any scientific explanations for why our necks have become flimsier, or less sturdy, over the last 10 years. It may be related to obesity; I do not know.

This is, however, a serious issue, which has come up again and again over the last 15 years. As my hon. Friends have suggested, the number of claims has risen while the traffic accident rate has gone down. It is entirely legitimate for a Government, and, indeed, parliamentarians to ask what is going on. Something is not quite right. It is apparent that many people are making claims, which may or not be fraudulent—let us give them the benefit of the doubt—and clearly it often makes sense to an insurer to do a deal, as it were, and pay the money before the veracity or otherwise of the claim has been established, simply because the legal process would take too long.

Bambos Charalambous: Does the hon. Gentleman agree that by paying early, insurance companies are encouraging people to make these allegedly fraudulent claims?

Kwasi Kwarteng: The hon. Gentleman cannot have it both ways. It may well be the case that the companies are paying early, and clearly if they are paying early, people will be incentivised to make claims. The hon. Gentleman's colleagues, however, are suggesting that no fraudulent claims are ever made, or that only a tiny proportion of claims are fraudulent. Logically, the more that insurers pay early, the more incentive there is to make a fraudulent claim. That is pure logic, and no great subtlety is required to appreciate it.

We have a problem. I think it entirely legitimate for insurers to pay out in order to forgo expensive legal costs. They have to manage their books and their businesses on a daily basis, and they will take a hit—if that is the right way to describe it—in order to facilitate business and manage cash flow. As we have heard throughout the debate, they are quite likely to make early payments, and as the hon. Gentleman has suggested, the more an insurer pays early, the greater incentive that gives someone to make a fraudulent or insubstantial claim.

Bambos Charalambous: Surely the answer is to fight those claims so that they do not succeed, and send the message that insurers will fight them and there will be no easy money for allegedly fraudulent claims.

Kwasi Kwarteng: If the hon. Gentleman were an insurer, managing a business on a daily basis, he would have to make a call every single day on which claims to fight and which not to fight. Often, for reasons of cost, the insurer will simply pay the money, without regard to the veracity or otherwise of the claim.

Rory Stewart: Does my hon. Friend accept that there is also the serious issue of asymmetry of information? In the case of injuries lasting less than six months, it is very difficult to prove through any medical means whether or not the injuries occurred, and therefore very difficult to defend against the claim.

Kwasi Kwarteng: In his usual philosophical way, the Minister has made an observation that goes to the heart of the problem. I opened my remarks by suggesting that insurers were very likely to pay out on claims early. He has made the point that even if it were possible to test the veracity or otherwise, it would be very difficult. Given the nature of evidence and the question of how it can be proved that an injury has actually been sustained, this will often resolve itself into an issue of one person's word against another's. The Minister has backed up my initial argument in his characteristically pithy way. The whole process is expensive, and for an insurer managing a business and managing a book, it is much easier and, I think, much more tempting to come up with an easy, quick-fix settlement or payment.

As the hon. Member for Enfield, Southgate (Bambos Charalambous) suggested, that in itself will incentivise and motivate claims that may be frivolous, which is a problem. He has eloquently described the circumstances in which fraudulent claims can be made, yet other Opposition Members are saying that such fraudulent claims are rarely if ever made. They are suggesting that all the claims are true and that somehow grave injustices would be perpetrated if, as often occurs across the judicial system, we were to set a tariff in this particular case.

4 pm

It is entirely reasonable to set a tariff on these claims. The average taxpayer and the average person who has insurance does not want to see fraudulent claims. Let us review some of the evidence. We have anecdotal evidence. Even on Second Reading Members were suggesting they were getting texts the whole time encouraging them to make specious claims. Some Members read out the texts they were receiving from insurance companies, or from claimants who were making a great deal of money, to encourage people to make spurious claims. This is going on and to pretend otherwise is wilfully naïve.

Where we are is exactly where we should be: it is absolutely right that we should be setting a tariff on these injuries and that there is some degree of political oversight of that process. It is not right, however, that judges should exclusively be in charge of the tariff rates. There is a role for the courts, but there is also a role for the Executive, and that is captured in this proposed legislation.

Robert Neill: My hon. Friend is making some fair points. He says that this is not necessarily a role for judges, but would he conclude that while it may well be, as Lord Brown said in the other place, appropriate for Government to legislate for tariff-isation as a matter of policy, the views of the judges must be fully taken into account by way of consultation in setting what the level or quantum of that tariff should be and how it should operate and what practical impacts it should have?

Kwasi Kwarteng: My understanding given the nature of the Bill is that there is ample scope for a dialogue or conversation between judges—the judiciary—and the Government. However, what I am reluctant to see, and what I think many of our constituents and voters would be reluctant to see, is the power exclusively residing in the hands of judges. The Government have a duty of

[Kwasi Kwarteng]

care to the taxpayers and to people who have insurance to try to keep these costs low. It is very funny to see Opposition Members frowning when I suggest the Government have a role to play. They are on the side of the political argument that believes in wholesale nationalisation; they want the Government to control everything. Yet in this particular instance they are expressing surprise and bewilderment, and I suggest that is completely spurious and fake.

Robert Neill: Does my hon. Friend agree that the logic of his position, which I understand, is that if we are to have credibility in taking this policy decision, those savings must actually be passed on to motorists? Does he recognise that there has been some cynicism about that in the past? We need to have mechanisms to measure very carefully that the insurance industry comes up to the mark, because it has not always had a terribly good track record in the past on that?

Kwasi Kwarteng: I agree with my hon. Friend. He is right that the insurance companies have in the past—I stress in the past—had a questionable record on some of these issues, but I repeat what I said on Second Reading: it is entirely unhelpful to bash the insurance industry or denounce it as a bunch of shysters who are ripping the public off. As I said in that debate, the insurance industry is one of our world-leading industries. We should celebrate it and be grateful for it: our insurance industry is a world-beating industry. There are not that many industries left in Britain that we can call truly world class, but the insurance industry happens to be one that is. It was nauseating and disconcerting on Second Reading—it has not happened so much today—to hear speaker after speaker on the Opposition Benches denouncing the insurance industry. They were scandalised that, God forbid, the industry should make profits, as though making a profit were in itself a moral crime. We have to try to shift the nature of the debate. The insurance industry is a world-beating industry. As my hon. Friend the Member for Bromley and Chislehurst (Robert Neill) has suggested, we need to have some oversight to ensure that savings are passed through to the customers, our constituents.

Mrs Kemi Badenoch (Saffron Walden) (Con): Is my hon. Friend aware that, according to statistics from the ABI, the myth about profit-making by insurance companies is a little bit overstated, and that motor insurers are actually not making a profit? The figures are being conflated with those of other parts of the insurance industry.

Kwasi Kwarteng: My hon. Friend makes an excellent point. As any student of basic economics will know, in a highly competitive industry the ability to make extraordinary profits is severely reduced. There are hundreds, if not thousands, of insurers in our highly developed, highly sophisticated market. As I have said, we are a world beater in this area, and that means that we have lots of diversity in the insurance market. Lots of insurers are going bust, but many are making money because they are well managed. That is exactly what we would expect in a competitive industry that has reached a high degree of maturity, as the insurance industry has in this country.

Going back to the provisions in the Bill, I believe that the Government are trying to do a very measured and reasonable thing. We are trying to limit the fraud—or the escalation of whiplash claims to the point that they drive up pricing in insurance. We are also saying that we will engage with the courts, as my hon. Friend the Member for Bromley and Chislehurst suggested. There is a role for the judiciary to play in this debate and in the management and setting of tariffs. Also, I would expect Opposition Members to be more enthusiastic about the fact that there is a role for the Government and the Lord Chancellor in ensuring that insurance premiums do not become excessive. There is absolutely a role for political engagement in the ability to cap a tariff, to ensure that premiums are low. This makes for a very reasonable and equitable set of demands, which is to be welcomed, and I hope that the Bill proceeds on its serene course through our Parliament.

Huw Merriman: It is a pleasure to contribute to the debate, and I am proud to follow my hon. Friend the Member for Spelthorne (Kwasi Kwarteng). I freely admit that having a tariff system in place could well result in some people receiving less compensation, but that is exactly why I support the Bill. At its heart lies an acknowledgement by those on this side of the House that insurance premiums have got too expensive and that we have to look at measures to try to reduce them.

Let us look at the logic of the position. Cars now have much safer designs and there are fewer claims overall, yet we are seeing an extra 200,000 category claims, 85% of which relate to whiplash compensation. It strikes me as completely illogical to state that there is not an issue here, when the statistics are so counter-intuitive. Something very strange is going on. The analysis shows that it is impossible to ascertain whether these extra claims are genuine, because the nature of the legal system means that it is much cheaper to settle a case and never even consider any medical evidence or reports on whether there has been an injury. To a certain extent, we could say that that is no skin off the bone for the insurers, because the cost is always paid on to the consumer. I am surprised at the Opposition's attitude in that regard because this is one of the principles that benefits the many—those who have to pay the insurance, which is mandatory—versus the few who abuse the system. I believe that the Bill is needed.

Kwasi Kwarteng: I know that my hon. Friend has a financial background. Does he accept that, if he were managing an insurance book, it would be very tempting—indeed, almost obligatory—to reach a settlement and to make the payments? Insurers are not being vicious or in some way prejudicial if they just pay the settlement. That is how a business is managed—it just has to cut its losses at some point.

Huw Merriman: My hon. Friend is spot on. In the seven years before I came to this place, I managed the legal team that was unwinding the Lehman Brothers estate. In many instances, we looked to sue, but of course, we considered the cost of the claim and then worked out whether settlement was a better option. Settlement should always be a better option. For someone running a business, it will always be the better option if it is cheaper to settle than to pursue. All businesses operate in that manner.

It is all well and good for the hon. Member for Enfield, Southgate (Bambos Charalambous), who is no longer in his place, to say that there should be a duty on insurers to take those cases forward, but they will not because it is not cost-effective. In addition, it is difficult to disprove those particular injuries.

Victoria Prentis: Does my hon. Friend accept that there is an emotional gain from settlement? Even those of us who are lawyers and enjoy the cut and thrust of the legal process know that bringing cases forward is a stressful experience for all claimants. It is important that we put energy and effort into making claims settleable at an early stage.

Huw Merriman: My hon. Friend is right. When I was running the legal team, it always distressed me when we settled because, as a lawyer, I found the whole court process incredibly interesting, but those on the financial side insisted that we settle because that was the better business decision to make. However, my hon. Friend is right about the distress of individuals going through the process. Of course, insurers have to focus not just on the money, but on the valuable human resource implication—the manpower it takes to fight the claims.

That comes back to my point that it is not an issue for insurers if ultimately their costs are covered because the price of premium for everybody else goes up. It is no skin off the bone for them to settle, and that is what occurs. For change, Government action is required. Although I readily accept that a tariff situation is genuinely not to be found in common law, the position that we have got ourselves into means that we need to look at the system akin to the way that we consider the Criminal Injuries Compensation Authority, which fixes the tariff in the same way. That is not unusual if we look at our European friends such as Italy, France and Spain, where similar systems are in place.

I represent a largely rural constituency of 200 square miles. I have many younger constituents who find the price of insurance too great. Studies show that, for those aged between 18 and 21, 10% of their wage will be taken just to cover their insurance. In a rural constituency, there is no choice. If people do not have a car, they find it very difficult to travel. The bus services are not as they were and, without a car, people cannot get from A to B or go to work. That has a knock-on effect because 28% of my constituents are over 65—the national average is 17%—so I have a lot of older constituents who need looking after. We have high social care bills. If we lose our younger people to the cities because they cannot afford to travel around a rural constituency, the balance goes completely.

Kevin Hollinrake: Thirsk and Malton also has high social care bills, so I understand exactly what my hon. Friend says. His point about reducing the cost of premiums is very important but, fundamentally, the Bill's provisions were set out in our 2017 manifesto. The measure is a manifesto promise, and amendment 2 simply wrecks a key premise of the Bill. That is contrary to what most people would expect when we have made a promise in our manifesto.

Huw Merriman: My hon. Friend is absolutely right. The amendment drives a coach and horses through the Bill. Yes, of course it is right to clamp down on those who claim fraudulently, and the Bill will act as an

incentive for people not to do so, but the ultimate gain is that the money saved will go back into the pockets of those consumers who are currently being overcharged because of fraudulent claims. Like him, I intend that we legislate on all our manifesto commitments, this being one of them, which is why I support the Bill.

4.15 pm

I have been a member of the Transport Committee for the past three years, and we have been considering the cost of insurance. We had a joint session with the Petitions Committee because more than 100,000 petitioners asked us to consider insurance, and the points made today, particularly by my hon. Friend the Member for Bromley and Chislehurst (Robert Neill), the Chair of the Justice Committee, are right. We have to make sure that insurers actually pass on this payment, and we are fixing it with the insurance industry so that they do.

It is strange that some are saying that Conservative Members are in cahoots with the insurance industry, because I am regularly lobbied by the insurance industry.

Sir Desmond Swayne (New Forest West) (Con): What strikes me as perverse is that the original impetus for the initiative on which we are now legislating came from Labour Members. I remember Jack Straw waxing lyrical about the need to deliver what we are delivering now, and we are right to do so.

Huw Merriman: I lack my right hon. Friend's longevity in this place to make such historical references, but it would strike anyone as common sense to look after the bulk of our constituents—our voters—by making sure they have more money in their pocket. We should all subscribe to that.

Kwasi Kwarteng: Does my hon. Friend agree that the insurance industry in Britain is something we should broadly celebrate? This idea that anyone is in cahoots with the industry, and that the industry is trying to rip off the public, needs to be addressed squarely and rejected.

Huw Merriman: My hon. Friend is right. Britain is the leading country in the European Union when it comes to insurance. The top 10 insurers are based in London, and I celebrate this international market.

Of course, the insurance industry is very critical of the Conservative party for introducing and increasing the insurance premium tax, so any suggestion that this party does everything the insurance industry would like us to do is not backed up by our decisions.

It is undoubtedly the case that our cars are now much safer and that design and technology mean that injuries should not be as prevalent as we are seeing. We have also seen the growth of claims management companies, which have driven and fuelled claims. Sometimes we see such industries moving on from one sector to take advantage of another—holiday insurance is a good example; the claims management companies have already moved into that sphere. Equally, I would like to see more done with technology to address the ability of such companies to contact me and my constituents directly. People register with BT in order not to receive unsolicited calls, yet such calls still come through regularly. I hope that the technology will eventually keep pace and close down such calls.

[Huw Merriman]

I have made my points more than once, and I absolutely support the Bill. Although I can see that the Opposition's intentions are good, if the amendment were accepted, it would drive a coach and horses through the very intention of this Bill, which is to reduce premiums for all our constituents and to make it easier for them to manage and live their lives.

Mike Wood (Dudley South) (Con): Although I originally studied law and was called to the Bar, I never practised, so I hope I may speak in the debate without being tied to any particular interest. This debate is increasingly showing a division between those on the side of personal injury practitioners, and those on the side of the overwhelming majority of our constituents who face the costs arising from an ever-escalating number of claims, of escalating value, for relatively minor injuries. My right hon. Friend the Member for New Forest West (Sir Desmond Swayne) was right to draw the House's attention to the remarks of the former Lord Chancellor, Jack Straw. If my memory serves correctly, he told *The Law Society Gazette* that he was in favour of banning compensation for soft tissue injury altogether. Clearly the Bill does not go anywhere near as far as that.

Kwasi Kwarteng: So a former Labour Lord Chancellor suggested that he would ban this compensation entirely. What on earth possessed him to suggest that as a policy?

Mike Wood: Reading through *The Law Society Gazette*, I see that Jack Straw's actual comment was:

"Whiplash is an innovation of fertile legal minds which has no real foundation in medical knowledge. Everybody knows the vast majority of whiplash claims are completely unjustified. I support any measures to eliminate soft-tissue injuries."

I understand that he was referring to compensation for soft tissue injuries, rather than eliminating the injuries altogether.

Hon. Members have spoken about the apparent paradox when we have the long-term reduction in the number of road traffic accidents, the increasing safety of more of the cars on the road and the long-term reduction in the number of deaths and serious injuries as a result of road traffic accidents, and yet the number of personal injury claims for whiplash and other minor injuries having increased significantly—it has gone up by 30% in 12 years. That enormous statistical increase cannot be dismissed as coincidental.

It has been suggested that the idea of a compensation culture is more about perception than reality, but how many of us have not had regular phone calls inviting us to claim for an accident that we have not had, encouraging us with the idea that a fortune was surely around the corner if only we referred the case to the firm that was ringing us up. I have no problem with solicitors—some of my best friends are solicitors, as they say. Indeed, many years ago my wife worked with one of the country's leading personal injury solicitors' firms, mostly doing administration on road traffic accident claims. But we need to look at the state we are now in. All the empirical evidence suggests that the initial intentions behind addressing no-win, no-fee claims for personal injuries

have generated a spiralling increase in claims that are not the result of pecuniary loss—they are about not loss of earnings or quantifiable losses, but a figure being placed on pain, suffering and loss of amenity.

Previous studies have suggested that, contrary to what others have been saying, the amounts awarded by courts in England and Wales are significantly higher than those awarded in most other European jurisdictions for personal injury claims. When there is a serious injury, especially if the effects are permanent or long-lasting, or even if it results in disability, clearly no one disputes that it is right that there is compensation, especially for the loss of opportunity and amenity caused by that injury. However, shorter-term soft-tissue injuries do not really fall within that category. That is why it is proportionate for the Bill to introduce a tariff that sets out the amounts payable for certain categories of minor, non-permanent injuries.

Bambos Charalambous: Is the hon. Gentleman aware that, under the criminal injuries compensation scheme—one of the Government's own schemes—a person can get £1,000 for a criminal injury of whiplash? Under these tariffs, however, someone would get £470 for the same injury, except it would not have been the result of a criminal event.

Mike Wood: I understand the hon. Gentleman's point, but there is clearly a distinction between being the victim of crime and being involved in an accident, even a road traffic accident.

Rory Stewart *rose*—

Mike Wood: Of course I give way to the Minister.

Rory Stewart: Does my hon. Friend agree that these discrepancies already exist, because the criminal injuries compensation scheme is, in fact, already an example of a tariff-based system? As those discrepancies have existed since 1962, nothing in the Bill changes their basic nature.

Mike Wood: The Minister, as ever, speaks straight to the point that bringing this system in line with the criminal injuries compensation scheme is actually making parallel systems more consistent, and it is entirely logical that they should operate on similar tariff-based systems. One of the flaws in the current system is that, as the Judicial College is setting its guidelines, the awards it uses for deciding the amounts in the guidelines are not the overall amounts that are payable in the event of a road traffic accident leading to personal injury, but are based on the awards made by the court in the relatively small proportion of claims that proceed to trial and are then adjudicated by a judge. The system does not consider the very large number of claims that are settled at an earlier date when the figure would tend to be lower.

Clearly, cases that proceed to full trial are more likely to be the more complex ones. This has the effect of institutionalising an inflationary element within the guidelines as they are reviewed, because the review is only ever based on those types of claim that actually end up being the higher awards anyway. It can only ever lead to an increasing amount. The impact of that falls clearly on our constituents. We rightly insist on mandatory

motor insurance. As hon. Members have said, motor insurance premiums increase rapidly. One reason why they increase rapidly is that there has recently been a large increase in the average amounts paid out for personal injury claims. If we fail to take this sensible action, those amounts can only increase, and we can expect premiums to continue to increase at around 10% annually, quickly putting them out of reach.

Kwasi Kwarteng: I am delighted that my hon. Friend is making this point. What is his view on whether the Lord Chancellor should be setting the tariff? Does that not bolster what my hon. Friend suggests—that there is a role for the Government in trying to keep insurance premium costs low?

4.30 pm

Mike Wood: Absolutely. Although I tend to argue for a slightly slimmer role for the Government, I do think that there is a place for them in this regard. When we insist on mandatory motor insurance, there is a clear role for the Government in ensuring that pressures on the price of that mandatory insurance are kept under control as much as possible. Having the Lord Chancellor's oversight of the tariffs is one way in which we can ensure that the people who are already struggling with the escalating costs of motor insurance do not see them taken even further out of reach.

There is a clear risk of a serious moral hazard when it comes to escalating motor insurance. The more that premiums increase, the greater the risk—the greater the temptation, we might say—for some people to take the chance illegally to fail to take out motor insurance and to drive on our roads uninsured, with everything that that implies for safety and for coverage of third parties. Given the current high levels of motor insurance premiums, research suggests that around a quarter of 18 to 24-year-olds have been tempted to try to make savings by not taking out or not renewing their motor insurance policy—driving without insurance. Surely that number can only increase if the cost of motor insurance becomes ever more expensive and increases by far more than inflation or incomes.

As the real cost of motor insurance spirals, more people will be tempted to take the risk of driving without insurance, and young people are more vulnerable to this by far because their premiums are already so much higher. Such behaviour puts other people's safety at risk and leaves them in an even more difficult situation in the event that they need to make a claim. The number of claims against uninsured drivers increased significantly last year.

The measures in the Bill are designed to keep insurance premiums under control, which is essential if we are to have a functioning motor insurance system. That is why I am not able to support the amendment, why I shall be supporting the Bill, and why I believe that the tariff system for minor injuries is absolutely necessary and must be retained in this legislation.

Alex Chalk: It is a pleasure to follow my hon. Friend the Member for Dudley South (Mike Wood).

Whether we sit on the Government Benches or the Opposition Benches, the first thing that hon. Members have to recognise is that we do have a problem in this country; of that there can be no doubt. Other hon. Members have mentioned the statistics, but they bear

repeating. In 2005-2006, there were 460,000 or so road traffic accident-related personal injury claims. Just a decade later, that number had soared by 40-odd per cent. to 650,000. There must be concern that the circumstances exist in our country to create an unnecessarily fertile ground for spurious and unfounded claims. What are those circumstances? They include the fact that instead of challenging whether a whiplash claim is dishonest or otherwise unfounded, insurers will take a commercial decision to pay out, because that will be in their interest. As other Members have indicated, the effect of that is that ordinary people living on modest incomes are finding themselves having to pay more for their car insurance than would otherwise be the case.

It is a great mistake to say, as some do, that a car is a luxury—to say, “You don't need your car; alternative transport methods should be satisfactory.” For plenty of my constituents, that simply is not the case. We currently have a big issue in Cheltenham with the closure of Boots Corner, a key arterial route through the town. One argument made by those who favour closing off the road is that people can get around on bikes. That might be okay for some people, but for plenty of my constituents—including nurses, people ferrying around their children, and people with disabilities—it is not. We have a duty in this House, wherever we stand, to drive down the costs of living for hard-working people and their families.

We have to be clear on what the legislation is not about. A lot of the points made by Opposition Members are motivated by the best of intentions. I have served on the Justice Committee with several Opposition Members, and they have shown great distinction—if I may be so bold—and argued vigorously and passionately for the principle of access to justice and on employment tribunal fees, to which the hon. Member for Lewisham West and Penge (Ellie Reeves) referred. But that is not what this legislation is about. It is important not to set up straw men to knock down. Were this debate about LASPO, access to justice and ensuring that people could get early legal advice and assistance, I would have an awful lot more sympathy, but in fact is far more restricted, calibrated and proportionate.

First, this debate and the provisions in the Bill are not about people who sustain whiplash injuries and whose pain, suffering and loss of amenity last beyond two years. If they do last for longer than two years, the case of course falls outwith the tariff system. Secondly, this debate is not about special damages. Let us consider a run-of-the-mill case in which somebody is involved in an accident, makes a whiplash claim because they have a sore neck, spends time off work and incurs taxi fees going to and from the doctor and various other fees. Such special damages would not be subject to any kind of tariff and could be claimed in the normal way. In other words, if someone was off work for, say, nine months, the mere fact that their general damages for pain, suffering and loss of amenity had been capped would not in any way preclude them from seeking the full extent of their special damages. That is why it is important to draw a distinction.

Andy Slaughter: I should say that I have secured a three-hour Westminster Hall debate on the LASPO review, access to justice and all such matters on 1 November. I look forward to having the hon. Gentleman join us and to his being fully supportive of my speech.

[*Andy Slaughter*]

On this issue, the hon. Gentleman may want to address specifically the issue of the level of the tariff. I hear what he is saying, but what about the level of damages, which cannot in any way compensate for what are in many cases real injuries?

Alex Chalk: I am grateful to the hon. Gentleman for making that point about LASPO, because if I may say so he is on stronger ground on that territory and I look forward to attending his debate and making some observations. That debate truly is about a cardinal principle that we in this Chamber should all share: whatever a person's circumstances, they should be entitled to access to justice. It would be quite wrong, though, to conflate that debate with the one we are having.

On the tariffs, I do not suggest that this is the case for the hon. Gentleman, but there cannot be synthetic outrage. If someone has suffered pain, suffering and loss of amenity to the extent that their symptoms endure beyond two years, they are entitled to get whatever the judge thinks appropriate. We are dealing with claims that, although not insignificant, are towards the lower end of the spectrum. That needs to be borne in mind.

Ellie Reeves: The hon. Gentleman is right in saying that special damages are not included in the tariff. However, the point that needs to be made is that under the tariff system someone could, as he rightly points out, be off work for a very, very long time, but because of the way that the tariffs are set, their claim would fall into the small claims track, meaning that they would not be able to have their legal costs covered, so would be unlikely to get representation for their claim. That is likely to mean that they could have a big special damages claim that is never recoverable because they will be unable to afford to pursue their claim. Does he agree?

Alex Chalk: No, I do not. First, in any event, as the hon. Lady knows, if the person's claim extends beyond £5,000, it will go on to the fast track, so they will be entitled to get that cost. Secondly, the concern that a number of solicitors raise about this is to say, "The really difficult thing that you need to claim—the thing that is hard sometimes to prove—is the general damages element." That is why they have become so indignant about it. In fact, the special damages claim is rather easier to quantify, and I do not think that people would, in effect, be frozen out of justice. Thirdly—if this aspect of the Bill had not been changed, I think I would be opposing it—for the really difficult claims where, for example, somebody has been injured at work and faces, as I accept entirely, the added burden of having to take on their employer, the threshold does not apply in the same way. It is absolutely right that the Government have moved on that to ensure that anything above £2,000 means that people go on to the fast track.

On the hon. Lady's specific point about the tariff, is it right to say that this is an egregious departure from anything that we have known before in English law? That is putting it far too high. My hon. Friend the Minister has already indicated that the Criminal Injuries Compensation Authority sets that principle in any event. Furthermore, it is a principle adopted in plenty of other countries that are signatories to the European convention on human rights, Italy for one.

It is also worth stepping back to consider the criminal law. Before the Sentencing Guidelines Council, as it was then called, started to set its guidelines in terms of tariffs for criminal penalties, there was a concern that it would be intruding on the discretion of the courts, but in fact it has worked very well. Defendants, lawyers and judges have really welcomed the guidelines, which set clearer tariffs, because that provides a degree of clarity. Of course, it is not a direct equivalent because judges still retain some discretion within the guidelines, but it does make the point that completely open-ended discretion does not exist everywhere throughout the legal system.

There are other mitigating factors that allow me, and people like me, to conclude that these are fair and proportionate proposals. First and most important is the exceptional circumstances uplift. Clause 5(1) says:

"Regulations made by the Lord Chancellor may provide for a court—

(a) to determine that the amount of damages payable for pain, suffering and loss of amenity in respect of one or more whiplash injuries is an amount greater than the tariff amount relating to that injury".

In other words, there is a safety net in circumstances where the law would otherwise do an injustice. That is really important and ought to give a lot of comfort to Opposition Members who might otherwise be concerned. The second reason I feel comforted is that the tariffs are clearly going to have the engagement and input of the judges. That is why Lord Brown concluded that there was nothing wrong in principle with a tariff system.

There are of course things that have to be got right. It is critically important that any savings that are derived from this are truly passed on to motorists. I want to ensure that constituents in Cheltenham receive the benefits. We need to ensure that young people who are setting out on their careers and need their car for work, for whom every last £10 is critically important, will be receiving these benefits. If they do, then my clear view is that these principles are sensible, proportionate and calibrated, and have a safety net. Even though—I probably ought to have declared this at the beginning, Madam Deputy Speaker—my wife is a personal injury lawyer, I feel confident that I can take on the domestic dispute just as I have taken on Opposition Members in this House.

4.45 pm

Jack Brereton (Stoke-on-Trent South) (Con): It is a pleasure to follow my hon. Friend the Member for Cheltenham (Alex Chalk) and to speak in the debate, to oppose amendment 2, tabled by those on the Labour Front Bench. I will add to the remarks that I made on Second Reading and in the Public Bill Committee.

This is a very important piece of legislation for the insurance industry and, more importantly, for customers of the insurance industry—our constituents up and down the country—who will benefit from it. As I found in my Westminster Hall debate on road safety last week, which I was pleased to secure, there is great interest from Members right across the House in matters relating to traffic accidents and the causes and mitigation of crashes. It is not a surprise to me that this legislation regarding appropriate compensation for certain collisions has attracted a great deal of interest and scrutiny.

Our debate in Westminster Hall attracted a range of thoughtful and personal contributions about specific cases in Members' constituencies. That is relevant to this amendment, because many Members raised the importance of addressing this not just through legislation but, importantly, through action on the entire road network. I was pleased to see the report by the Parliamentary Advisory Council for Transport Safety, in association with Ageas Insurance, which looks at a systemic approach to improving road safety, so that we can reduce the number of whiplash claims and, most importantly, the number of people seriously injured or killed on our road network.

I am grateful to the Minister for the clarity that he brought to aspects of the Bill in Committee. Although I thought the Committee was dealt with very efficiently and we got through it pretty quickly, we had a great number of interesting contributions from Members across the Committee. I am sure the Minister's remarks will be similarly informative and comprehensive today.

I want to move on to safer vehicles, particularly in relation to whiplash. One notable feature of any debate on road safety and traffic collisions is the focus on how much safer our cars, vans and lorries are today than they were only a decade ago. They are safer by design, and the advances in building motor vehicles that cause much fewer more serious injuries on impact are hugely welcome. Indeed, the number of accidents has fallen by almost a third since 2005.

As the Minister noted in Committee, the percentage of cars with safety features specifically designed to reduce whiplash has increased from only 15% in 2005 to nearly 85% now—that is to say, the position is completely reversed. Whereas only 15% of cars used to have anti-whiplash safety features, now only 15% do not have them. That is still too high a percentage, but vast progress has been made. Despite the 30% reduction in road traffic accidents, the number of whiplash claims has increased remarkably, by 40%. Something does not add up, and the Bill seeks to address concerns that certain claims are either exaggerated or unfounded, forcing up insurance premiums at an alarming rate.

I have something of an interest to declare. As I said on Second Reading, as a young driver I will be particularly advantaged by this legislation. I have been hit by higher insurance rates, which are adding significant costs for people of my generation and for our constituents right across the country. I am reassured that there has been meaningful engagement with the insurance industry by the Government throughout the process of the Bill, with both Government and industry working to get the legislation right for consumers and focusing on how we can ensure that insurance premiums do come down.

As I have said before, Ageas Insurance, which is one of the largest insurance providers in the UK, employs more than 400 people in my constituency. It has very much given me the assurance that it absolutely persists in its support for the changes proposed, which will entirely benefit its policy holders and our constituents. Those policy holders have faced massive increases in bills, but they should now at last see some respite and reductions.

The insurance industry's support for the legislation is shared by the vast majority of the public. This is not just about the insurance industry pushing an issue; it is about the majority of the public pushing for what they

believe is the right thing to do. We are fair-minded people in this country and, particularly in Stoke-on-Trent, we are not comfortable with the idea of a compensation culture. While resolutely recognising that, where there is clear medical evidence, liability must of course mean consequences for those at fault, that should not apply to those who seek to abuse the system.

What will the Bill do? It will reduce insurance premiums for hard-pressed motorists by adjusting how the personal injury discount rate is set. It is not about stopping those who genuinely deserve compensation from getting the settlement they justly deserve. It is of course a matter of justice that we have a system of rules under which everyone plays by those rules, without allowing them to play the system.

It is very welcome that the Government are introducing a new tariff specifically to target the exaggerated and fraudulent whiplash claims that have driven up insurance premiums. The creation of a new fixed compensation level for whiplash injuries is exactly the right thing to do to address the general and obvious anomaly that the number of accidents is going down but the number of claims for whiplash is going up. Equally, it is the right thing to do to ensure that there are provisions to increase compensation in exceptional circumstances. That stands in stark contrast with the current situation, where financial compensation figures are negotiated by the force of will and expertise in the opaque language or legalese of the interested parties.

I stress that these changes are not about denying genuine claims, but about discouraging speculative or exaggerated claims and claims with no just foundation. Such claims have the unjust consequence of forcing up insurance premiums to pay claims-chasing lawyers. I am glad that the Government have been so clear in attempting to get the balance right. As the Minister said in Committee, the Lord Chief Justice should be consulted on the levels of tariffs, as well as on the percentage uplift for judicial discretion. It is right that this should be done in an accountable, responsible, transparent and predictable fashion. I am sure the Lord Chancellor will be in no doubt about the feeling of this House that that should be done. He is accountable to this House, of course, and it should be reassuring to Members that his Ministry has modelled its approach to setting the tariff on that used in other countries, such as France and Italy.

It should be remembered that the bone of contention is not damages paid out for serious, long-lasting cases of whiplash but the anomalous prevalence of minor claims. The Bill addresses that by ensuring that when someone makes a claim for whiplash injuries, it is backed up by medical evidence and the damages are proportionate to the injury suffered. It will also ensure that those who have suffered life-changing injuries continue to receive 100% compensation—that is a key principle of the Bill.

Clearly the current balance is not right, with ordinary motorists being unfairly penalised through needlessly over-inflated premiums. That does not seem the best value for taxpayers' money. Without reform, motor premiums could continue to rise by about 10% a year, which is shockingly high and unsustainable for working families and, especially, younger motorists. The Government argue that the whiplash reforms in the Bill will restore a sense of balance to the insurance and claims system,

[Jack Brereton]

delivering about £1.1 billion of consumer savings every year. That could mean motorists' insurance premiums falling by an average of £35 a year, with the high level of competition that is currently prevalent in the industry ensuring that it is the customers—our constituents—who benefit by far the most. This cannot and will not, of course, be a straight switch from a money grab by lawyers to a money grab by insurers.

I want to go through some of the key things that the Bill will achieve in this area. About 650,000 road traffic accident-related personal injury claims were made in 2017-18—nearly 200,000 more than in 2005-06. The Government estimate that about 85% of them were for whiplash-related injuries. Those figures remain high despite a reduction in the number of road traffic accidents reported to the police and improved vehicle safety. The continuing high number and cost of claims increases the cost of motor insurance premiums to ordinary customers and consumers, which was why, as has been said today, the 2017 manifesto included a commitment to reduce insurance costs for ordinary motorists by tackling fraudulent and exaggerated whiplash claims. That is a key commitment for the Conservative Government.

The introduction of a tariff will both simplify the process for genuinely injured whiplash claimants and ensure that they receive proportionate compensation. In addition to a tariff payment, all claimants will continue to receive special damages covering compensation for any actual financial losses suffered as a result of their accident. The new measures will reduce and control the cost of whiplash claims and disincentivise unmeritorious claims. A tariff system is consistent with other schemes, such as the criminal injuries compensation scheme, which other countries right across the world use.

Having introduced a tariff system, it is essential that we provide that the Lord Chancellor must regularly review the level of the tariff, as clause 4 provides for. However, the Government recognise that there may be exceptional circumstances in which higher levels of compensation are needed, and I very much welcome that. For that reason, clause 4 also allows a judge to determine a higher level of damages. It is right that that remains part of the Bill.

5 pm

In short, the Bill is about the system being fair and about public confidence in the system being fair—it is not currently obvious that the system is fair, I am afraid. The Bill will mean reduced costs for insurance customers, who currently pay the costs of unfounded claims, and rebalance the system for the emergent compensation culture that has seen unreasonable and exaggerated claims grow significantly in recent years. Most people want an insurance system that has a fair and just balance between claims and premiums. Hard-pressed motorists and taxpayers in my constituency will gain from the Bill, much more so than any insurance company, and I am happy to support it tonight.

Mrs Badenoch: I rise to speak in support of the Bill and to oppose amendment 2. First, however, I will remind the House why we need the Bill; we have heard it over and over again in the debate. I know that other

Members have had similar experiences of nuisance calls from ambulance-chasing companies, and many of my constituents certainly have. As of this week, I am still receiving calls from companies telling me that they had heard I had been in a car accident that was not my fault—this must have been the 10th time that I received such a call this year. Needless to say, I have not been involved in any car accident then or since.

However, this debate is not about nuisance calls, but about the incentives behind them, which are to encourage unnecessary and, in many cases, fraudulent insurance claims that are difficult, if not impossible, to prove. If we remove the incentive for claims companies to act in this way, we will get rid of the ones encouraging fraud and probably the nuisance calls as well. So many would welcome this. Because of the actions of these companies, insurance premiums for honest, safe and sensible drivers reached a record high of £493 at the end of 2017. As other Members have mentioned, young drivers in particular already pay over double the average premium.

For so many of us, motor insurance premiums are one of the highest bills we pay. The Government have repeatedly expressed that their mission is to get a country that works for everyone, and reducing costs for the “just about managing” is one way to do that. It has also been said several times in the debate that these measures, alongside the secondary legislation, will reduce the cost of motor insurance premiums on average by around £35 a year. I know that many of my constituents would appreciate much lower motor insurance premiums.

I also echo the points made by my hon. Friend the Member for Bexhill and Battle (Huw Merriman) about the strain on public services. At present, with a discount rate of minus 0.75%, the NHS is overpaying on claims for clinical negligence, which is adding to pressure on the public purse. In 2017-18, around £400 million in additional funds had to be provided to the NHS as a consequence of the change in the discount rate. In 2016-17, the NHS spent £1.7 billion on clinical negligence cases. The annual cost has almost doubled since 2010, with an average 13.5% increase every year. Like everyone in this House, I am looking forward to the end of austerity, and perhaps this Bill can help us to get there.

Huw Merriman: My hon. Friend is making an excellent speech. She brought up the discount rate and I could not resist the temptation to intervene. I absolutely welcome changes to the discount rate, but would she like to see a future in which, rather than one lump sum being paid out for compensation for the rest of someone's life, we look more at doing this on an annual basis? That may make the overall costs more reasonable and make it less likely that investments will go wrong.

Mrs Badenoch: I thank my hon. Friend for making that very good point. This argument was made during the Justice Committee's evidence sessions, and I am in two minds about it. There are good reasons to have both. An annual payment can help to reduce strain in the long term, but for some people, the constant payments would be a reminder of a particularly traumatic accident. Perhaps we need a flexible system that can accommodate both, depending on a claimant's particular circumstances, but I thank him for raising that point.

I do not believe we need amendment 2. The purpose of the tariff as set out in clause 3 is to simplify the process for those who have been injured while ensuring they receive compensation that is proportionate. Not only that, but claimants will continue to receive special damages for any financial losses they suffer as a result. Similar systems are in use in countries such as Italy and Spain, which have already seen positive impacts on both the number of claims and the cost of premiums.

The Opposition are concerned that the tariff cannot be varied according to individual circumstances, but this is not the case. As my hon. Friend the Member for Middlesbrough South and East Cleveland (Mr Clarke) has already noted, the tariff is staggered to account for the duration of the injury, whether that be between four and six months or, at the highest end of the spectrum, 19 and 24 months. Furthermore, clause 5 allows judges the discretion to make awards above the tariff level when the individual circumstances merit it. Amendment 2 seeks to remove this clause, as well as clause 4, under which the Lord Chancellor can regularly review the tariff. That would not be right.

The Government have noted that about 650,000 road traffic accident personal injury claims were made in 2017-18. An estimated 85% of those claims were for whiplash-related injuries. That is over 550,000 whiplash claims. As many Members have said, however, there has simultaneously been a reduction in the number of road traffic accidents reported to the police, while improvements continue to be made in vehicle safety. This is leading to increasing premiums for my constituents, and that cannot be right.

It seems to me, from listening to this debate, that Parliament is caught in a technical argument between the insurance lobbyists and the legal services lobbyists. I speak here on behalf of my constituents. I am keen to hear from the Minister how the Government can ensure that cost savings reach the consumer and are not negated by future policy proposals. Having said that, the Bill is an opportunity for the Government to bring down premiums and let people keep more of their own money in their pockets. That is a principled and Conservative ideal. Removing clauses 3, 4 and 5 would go against all efforts to help them and the taxpayer.

Huw Merriman: Would my hon. Friend also recognise that we have a good track record on this? A few years ago, when the Government made changes to the civil litigation procedure, an average of £50 was knocked off insurance premiums as a result.

Mrs Badenoch: I thank my hon. Friend for making that point. It is something I would have liked to say earlier, and I am glad he was able to make it for me.

In conclusion, the Bill fulfils a manifesto commitment by my party and should make it easier for genuine whiplash claimants. I will be supporting it tonight, but not, I am afraid, Opposition amendment 2.

Mary Robinson (Cheadle) (Con): It is a pleasure to follow my hon. Friend the Member for Saffron Walden (Mrs Badenoch). As we have heard, the Bill makes important changes to our personal injury compensation system, and although I broadly support its aims and

measures, I would like to put on the record a few of my concerns and those raised with me by lawyers and constituents.

The Bill is long overdue. The last increase to the small claims limit was made in 1991. As we have heard, data from the Department for Work and Pensions reveal that about 650,000 road traffic accident-related personal injury claims were made in 2017-18 and that about 85% of these were for whiplash-related injuries—a higher rate than in any other European country. Department for Transport figures, however, show that from 2007 to 2017 reported RTAs fell by 30%.

Clause 3 introduces a tariff for compensation in whiplash claims. Lawyers who have contacted me and met to discuss this have supported the arguments made by the Access to Justice Foundation, which has estimated that the proposed new tariff would deny 600,000 people injured on our roads each year the right to legal advice when seeking compensation.

The question I have asked is: how does this value equality and fairness in comparing types of injury under the compensation regime? For instance, under the proposed tariff, if I experienced an injury in a road traffic accident that lasted up to three months—as I have in the past—I would receive £235 in compensation. Compensation varies across many sectors. If my train journey from London to Stockport, a route on which I travel every week, were delayed by two hours, I could receive up to £338. Under these proposals, the same injury would attract less compensation simply because it was sustained in a road traffic accident rather than in another way.

Rory Stewart: I am interested by my hon. Friend's speech. She said that she would be entitled to compensation amounting to £338 for a two-hour delay. Is that compensation for the ticket that was purchased? What is the nature of the compensation?

Mary Robinson: I am talking about the compensation that would normally be paid by train operators.

It is important that we tackle whiplash fraud, but it is hard to explain to those who are injured that the same injuries sustained in different circumstances—for example, a comparable injury at work—should be compensated differently. Under the reform proposals, someone who had been involved in a road accident would be entitled to £3,910 for a whiplash injury lasting up to two years, but would be unable to recover the cost of paying a lawyer to assert their rights. Someone who suffered an identical injury at work would be entitled to £6,500, and would be able to recover costs. For many people, it goes to the heart of ensuring fairness that comparable injuries should attract comparable awards—if awards are indeed to be given—whether those injuries were sustained in a road traffic accident or incurred at a place of work.

If, as is hoped and predicted, these changes result in savings to the insurance industry, it is important for members of the public to see that the savings are passed on via reduced premiums. Concerns were raised about that in Committee, and I am encouraged that the Government accepted amendments that will hold insurers to account. As amended, the Bill places a statutory requirement on insurers to provide the Financial Conduct Authority with certain information to enable Treasury Ministers to report to Parliament on whether the insurers

[Mary Robinson]

have upheld their public commitments by passing on savings. The Government have estimated that these measures would lead to a reduction in motor insurance premiums of approximately £40 per customer per year. I expect the industry to demonstrate that savings are being appropriately passed on, so that consumers can see fairness in the insurance system.

Craig Tracey: Is my hon. Friend aware of the support for the Bill in its current form? A survey conducted by Consumer Intelligence showed that the most important factor in a low-value personal injury claim was a simple claims process, and the least important factor was the ability to claim back their legal costs.

Mary Robinson: It is absolutely right that people support reform of the system, and I support the Government's action in doing so. I am keen to ensure that we can secure fairness for everyone through the Bill.

According to the recent AA British insurance premium index, these reforms have already triggered a fall in premiums owing to the expectation that claim costs will fall, and only yesterday it was reported that motor premiums had fallen for the first time in years: last month they were almost 10% lower than they had been in the same month in 2017. That means that the average driver is £45 better off as a result. Consumers will be pleased with lower premiums, but they must be convinced that that is worth any detriment that they may experience should they become victims of traffic accidents.

We might not be having this debate at all were it not for fraudulent claims. I can almost guarantee that, at some point in the past year, every Member—including, perhaps, the Minister—will have been contacted by a claims management company, usually wrongly asserting that they have been involved in a car accident recently, and can lodge a claim. That seriously concerns and aggravates many people. A 2017 YouGov report shows that more than two thirds of people are in favour of a ban on cold calling for personal injury claims. Cold calling is a particular issue for the vulnerable and the elderly, who may be talked into making fake or exaggerated claims. A Justice Committee report earlier this year stated that the recent restrictions on cold calling by claims companies

“do not go far enough and that an outright ban should be introduced.”

5.15 pm

Stephen Kerr (Stirling) (Con): My hon. Friend will know that I introduced a ten-minute rule Bill on nuisance calls. This Bill goes some way towards addressing the issue—there is no denying that—but does she believe that we could go further and hold the directors of companies who are responsible for cold calling directly responsible for any fines that arise from their activities?

Mary Robinson: I am grateful to my hon. Friend for making that point. That should be explored and people would welcome it because they would see that we were being positive in addressing this.

Throughout the Bill's passage, I have met regularly in my weekly surgeries with solicitors and law firms that have been engaged in this process. They have impressed

me, and impressed upon me their pursuit to help the vulnerable who are injured and to ensure that we have a justice system that works, is fair and protects people.

I thank the Minister for his continued engagement and openness with me and colleagues as the Bill has progressed through both Houses. He has been open to all my questions and I am grateful for the way he has dealt with them. I look forward to this Bill progressing. I know that there will be a spirit of openness and transparency as it does.

Rory Stewart: I again thank all Members who have participated.

Amendment 2 relates centrally to the core of this Bill, which is about the question of the setting of tariffs. We have discussed this with great verve and vigour from many different sides. The first debate that has taken place in the last hour and a half has been about the purpose of these tariffs: why we are introducing them in the first place. The reason why comes out of a perception of an anomaly. That anomaly can be seen either, as my hon. Friend the Member for Bexhill and Battle (Huw Merriman) pointed out, in terms of the fact that the number of car crashes is coming down and cars are getting safer, but at the same time the number of whiplash claims over the same period has increased dramatically; or, as my hon. Friend the Member for Spelthorne (Kwasi Kwarteng) pointed out, in terms of national differences. There are many more whiplash claims from Britain per head of population compared with Germany or France, leading to my hon. Friend speculating on biological differences.

The second debate has been about proportionality. That argument was made by, for example, my hon. Friend the Member for Middlesbrough South and East Cleveland (Mr Clarke). He was essentially arguing, along with the former president of the Supreme Court, Lord Brown, that there needs to be a closer relationship between the amount of compensation paid and the nature of the injury suffered. As Lord Brown said in the House of Lords:

“lesser injuries were altogether too generously compensated, certainly in comparison to the graver injuries”.—[*Official Report, House of Lords*, 10 May 2018; Vol. 791, c. 306.]

The idea of proportional compensation for a type of injury was central to the argument of my hon. Friend the Member for Middlesbrough South and East Cleveland.

My hon. Friend the Member for Dudley South (Mike Wood) reminded us that the former Labour Lord Chancellor, Jack Straw, had serious concerns about compensation for soft tissue injury and that this form of car insurance is mandatory, putting a particular obligation on the House of Commons when it considers it. But, characteristically, the most “sensible, proportionate and calibrated” speech came from my hon. Friend the Member for Cheltenham (Alex Chalk), who, by using those three adjectives to define the nature of the tariffs, brought us, in a huge move, from jurisprudential reflections on the nature of tariff systems to a disquisition on rural transport in Cheltenham. My hon. Friend the Member for Stoke-on-Trent South (Jack Brereton) brought it down to earth with a good focus on safety in vehicles.

Robert Neill: I cannot let the Minister move on from the important and significant points of my hon. Friend the Member for Cheltenham (Alex Chalk) without

observing that he emphasised the role of the Lord Chancellor in consulting with the Lord Chief Justice in the setting of the tariffs. That is an important safeguard. Can the Minister tell us a little more about how it is envisaged that that will work?

Rory Stewart: Absolutely. This is a concession that we have inserted into the Bill partly due to pressure from my hon. Friend, the Chairman of the Justice Committee, and from other Members, including my hon. Friend the Member for Cheadle (Mary Robinson). It means that the Lord Chancellor, when reflecting on the nature of the tariff in a judicial capacity, will consult the Lord Chief Justice. That concession in the Bill, combined with the strong emphasis on judicial discretion allowing the tariffs to be uplifted, will be central to our attempt to reconcile a tariff-based system with the tradition of English common law. Through it, we hope to address some of the concerns raised by Lord Woolf.

We have discussed the purpose of the Bill, and the way in which getting rid of the tariffs as suggested in amendment 2 would undermine the central purpose of getting a more affordable system into place. We have made a number of concessions in order to meet concerns raised by many distinguished colleagues around the House, including individuals with experience of personal injury law and those with experience as constituency MPs of the honourable and serious work done by personal injury lawyers. I shall show respect to the House and touch on some of those concessions.

In the initial proposals put forward by the Chancellor of the Exchequer in the autumn of 2015, the suggestion was that there would be no general damages payable at all. That was roughly the argument made by the former Labour Lord Chancellor, Jack Straw. We have moved away from that position and accepted that general damages should be paid, but we have suggested that there should be a tariff for those damages. As my hon. Friend the Member for Bromley and Chislehurst (Robert Neill) has said, we will consult the Lord Chief Justice on that tariff and there will be judicial discretion. There is a precedent on tariffs—they exist in Italy and Spain—and there is even a precedent in English common law in the criminal injuries compensation scheme.

The benefits that we believe a tariff system will deliver include a reduction in the cost of this form of transaction and, hopefully, through that, a reduction in the number of potentially exaggerated or fraudulent claims. That would have an advantage for general public policy in that people would not be encouraged to make fraudulent claims. We believe that the system will also provide certainty and predictability to claimants, especially when they are connected to an online portal that will ensure that they follow a particular sequence. They will proceed to the online portal, then, for the first time, they will be required to go to a medical practitioner specialising in whiplash claims who would give them a prognosis of, for example, six months, 12 months or 24 months. On the basis of that prognosis, through the portal, a fixed tariff would then tell them exactly how much they would be given. This should mean that in the overwhelming majority of cases there would be absolutely no requirement to proceed to court. In any cases where we did proceed to court, we would rely on the small claims process in order to settle the claim, using the tariffs to reinforce the process.

The speeches so far have not touched on Government amendment 1, which I hope all Members, including Opposition Members, will be happy to accept. Clause 5(7)(a) states that the term “tariff amount” means

“in relation to one or more whiplash injuries, the amount specified in respect of the injury by regulations under section 3(2)”.

Clause 3(2) refers to the

“amount of damages for pain, suffering and loss of amenity payable in respect of the whiplash injury or injuries”.

In other words, clause 3 refers to “injury or injuries”, whereas clause 5 refers simply to “the injury”. The proposal in Government amendment 1, recommended by parliamentary counsel, is that we deal with the discrepancy by inserting “or injuries” after “the injury” in clause 5(7)(a). I hope that the Opposition will be happy to accept that suggestion.

That brings us back to the central issue of the way in which tariffs are set. The hon. Member for Hammersmith (Andy Slaughter) focused a great deal on the notion that the tariffs were somehow inequitable in terms of the damage that individuals have suffered. The hon. Member for High Peak (Ruth George) said several times that we should not refer to these types of injuries as minor. I want to emphasise that the phrase “minor injuries” is derived from Judicial College guidelines, not from the Government or any political party. It is simply a long-standing convention to refer to injuries of under two years’ duration as minor injuries, and that relates to Sentencing Council guidelines for injuries of under two years’ duration.¹

As hon. Members have pointed out, people who suffer, particularly from whiplash injuries of longer duration, might also lose earnings, have considerable medical costs, have to go to a physiotherapist and so on. Although those arguments were well made, for example by the hon. Member for Bridgend (Mrs Moon) on Second Reading, they overlook the central fact that the tariffs will apply only to general damages. An individual who has suffered loss of earnings or who needs extra care costs can apply for special damages in the normal way. The Government propose no change to special damages.

On the arguments of the hon. Member for Hammersmith about the levels of the tariffs, we have attempted to achieve a reduction in the tariff at the lower end. For example, an individual who suffers an injury of under three months’ duration could receive damages considerably less than those in the current guidelines, but I hope that the hon. Gentleman accepts that, as we approach a duration of two years, the compensation offered begins to merge much more closely with the existing guidelines at a level of £3,600.²

In addition, as the Chairman of the Justice Committee pointed out, the levels of the tariffs are currently proposals about which the Lord Chancellor will consult the Lord Chief Justice. He will do that not just once but regularly, on a three-yearly basis, to ensure that our calculations on pain, suffering and loss of amenity reflect judges’ views.

It must be remembered that, ultimately, judgments on pain, suffering and loss of amenity are difficult. As my hon. Friend the Member for Cheltenham (Alex Chalk) pointed out, the question of how much compensation somebody receives for a loss of earnings is relatively easy to calculate, because the figure can be

1. [Official Report, 3 December 2018, Vol. 650, c. 6MC.]

2. [Official Report, 3 December 2018, Vol. 650, c. 6MC.]

[Rory Stewart]

derived from the earnings. The amount of money to which someone is entitled for medical costs is, of course, directly derived from the cost of medical care provided. However, in the case of general damages, a judge must attempt to decide the subjective impact of pain on the individual and assign a financial cost to it. That cannot be anything other than a subjective judgment. There is no objective scientific formula for comparing pain with cash, because the cash is designed not to eliminate that pain, but in some way to acknowledge it. Whether we are talking about the criminal injuries compensation scheme, under which our constituents frequently come forward with examples of what they rightly and subjectively experience as a huge discrepancy between the depth of horror they have suffered at the hands of criminals and the amount of compensation offered, or the tariffs for pain, suffering and loss of amenity under the Bill, in the end the compensation provided cannot constitute anything other than a symbolic judgment, with the court or the Government acknowledging that no amount of money can remove the pain, but with the amount designed to be a public recognition that that pain exists.

The former Justice of the Supreme Court, Lord Brown, is an important guide, and his statements in the House of Lords give us all a sense of reassurance on a tricky bit of law. He feels that two important principles are at stake. The first is that there is a moral hazard and societal issue taking place, in that both the incidence of car crashes and, on a national comparison with Germany and France, the disproportionate number of whiplash claims compared with what would be expected both in terms of automobile design and the biology of the human body, need to be addressed—in other words, fraud needs to be addressed. The second is that there has been an anomaly in law whereby some of the graver injustices, and graver injuries and suffering, have been proportionally undercompensated compared with cases of suffering minor whiplash injuries—the majority of cases before the courts—which involve a duration of only three or six months.

5.30 pm

I ask the House to accept Government amendment 1. On the basis of the concessions we have made throughout the passage of the Bill, both in the upper House and in Committee, particularly with regard to passing savings on to consumers, I politely ask the hon. Member for Ashfield (Gloria De Piero) to withdraw amendment 2.

Question put, That the amendment be made.

The House proceeded to a Division.

Mr Deputy Speaker (Sir Lindsay Hoyle): I ask the Serjeant at Arms to investigate the delay in the No Lobby.

The House having divided: Ayes 243, Noes 298.

Division No. 247]

[5.31 pm

AYES

Abbott, rh Ms Diane	Antoniazzi, Tonia
Abrahams, Debbie	Ashworth, Jonathan
Ali, Rushanara	Austin, Ian
Allin-Khan, Dr Rosena	Bailey, Mr Adrian
Amesbury, Mike	Barron, rh Sir Kevin

Beckett, rh Margaret
 Benn, rh Hilary
 Berger, Luciana
 Betts, Mr Clive
 Blackman-Woods, Dr Roberta
 Blomfield, Paul
 Brabin, Tracy
 Bradshaw, rh Mr Ben
 Brake, rh Tom
 Brennan, Kevin
 Brown, Lyn
 Brown, rh Mr Nicholas
 Bryant, Chris
 Buck, Ms Karen
 Burden, Richard
 Burgon, Richard
 Butler, Dawn
 Byrne, rh Liam
 Cable, rh Sir Vince
 Cadbury, Ruth
 Campbell, rh Mr Alan
 Campbell, Mr Ronnie
 Carden, Dan
 Champion, Sarah
 Chapman, Jenny
 Charalambous, Bambos
 Coaker, Vernon
 Coffey, Ann
 Cooper, Julie
 Cooper, Rosie
 Cooper, rh Yvette
 Coyle, Neil
 Crausby, Sir David
 Creagh, Mary
 Creasy, Stella
 Cryer, John
 Cummins, Judith
 Cunningham, Alex
 Cunningham, Mr Jim
 Daby, Janet
 Dakin, Nic
 Davey, rh Sir Edward
 David, Wayne
 De Cordova, Marsha
 De Piero, Gloria
 Debonnaire, Thangam
 Dent Coad, Emma
 Dodds, Anneliese
 Doughty, Stephen
 Dowd, Peter
 Dromey, Jack
 Duffield, Rosie
 Eagle, Ms Angela
 Eagle, Maria
 Edwards, Jonathan
 Efford, Clive
 Elliott, Julie
 Ellman, Dame Louise
 Elmore, Chris
 Esterson, Bill
 Evans, Chris
 Farrelly, Paul
 Farron, Tim
 Field, rh Frank
 Fitzpatrick, Jim
 Fletcher, Colleen
 Flint, rh Caroline
 Fovargue, Yvonne
 Foxcroft, Vicky
 Frith, James
 Furniss, Gill

Gardiner, Barry
 George, Ruth
 Gill, Preet Kaur
 Glindon, Mary
 Godsiff, Mr Roger
 Goodman, Helen
 Green, Kate
 Greenwood, Lilian
 Greenwood, Margaret
 Griffith, Nia
 Grogan, John
 Gwynne, Andrew
 Haigh, Louise
 Hamilton, Fabian
 Hanson, rh David
 Hardy, Emma
 Harman, rh Ms Harriet
 Harris, Carolyn
 Hayes, Helen
 Hayman, Sue
 Healey, rh John
 Hendrick, Sir Mark
 Hepburn, Mr Stephen
 Hill, Mike
 Hillier, Meg
 Hobhouse, Wera
 Hodge, rh Dame Margaret
 Hodgson, Mrs Sharon
 Hoey, Kate
 Hollern, Kate
 Hopkins, Kelvin
 Howarth, rh Mr George
 Huq, Dr Rupa
 Jardine, Christine
 Johnson, Diana
 Jones, Darren
 Jones, Gerald
 Jones, Graham
 P.
 Jones, Helen
 Jones, rh Mr Kevan
 Jones, Sarah
 Jones, Susan Elan
 Kane, Mike
 Keeley, Barbara
 Khan, Afzal
 Killen, Ged
 Kinnock, Stephen
 Kyle, Peter
 Laird, Lesley
 Lake, Ben
 Lammy, rh Mr David
 Lavery, Ian
 Lee, Karen
 Leslie, Mr Chris
 Lewis, Clive
 Lewis, Mr Ivan
 Lloyd, Stephen
 Lloyd, Tony
 Long Bailey, Rebecca
 Lucas, Caroline
 Lucas, Ian
 C.
 Madders, Justin
 Mahmood, Mr Khalid
 Mahmood, Shabana
 Malhotra, Seema
 Mann, John
 Martin, Sandy
 Maskell, Rachael
 Matheson, Christian
 McCabe, Steve

McCarthy, Kerry
 McDonagh, Siobhain
 McDonald, Andy
 McFadden, rh Mr Pat
 McGinn, Conor
 McGovern, Alison
 McInnes, Liz
 McKinnell, Catherine
 McMahon, Jim
 McMorrin, Anna
 Mearns, Ian
 Miliband, rh Edward
 Moon, Mrs Madeleine
 Moran, Layla
 Morden, Jessica
 Morgan, Stephen
 Morris, Grahame
 Murray, Ian
 Nandy, Lisa
 Norris, Alex
 O'Mara, Jared
 Onasanya, Fiona
 Onn, Melanie
 Onwurah, Chi
 Osamor, Kate
 Owen, Albert
 Pearce, Teresa
 Pennycook, Matthew
 Perkins, Toby
 Phillips, Jess
 Platt, Jo
 Pollard, Luke
 Pound, Stephen
 Powell, Lucy
 Rashid, Faisal
 Rayner, Angela
 Reed, Mr Steve
 Rees, Christina
 Reeves, Ellie
 Reynolds, Emma
 Reynolds, Jonathan
 Rimmer, Ms Marie
 Rodda, Matt
 Rowley, Danielle
 Ruane, Chris
 Russell-Moyle, Lloyd
 Ryan, rh Joan
 Saville Roberts, Liz
 Shah, Naz

Sheerman, Mr Barry
 Sherriff, Paula
 Siddiq, Tulip
 Skinner, Mr Dennis
 Slaughter, Andy
 Smeeth, Ruth
 Smith, Angela
 Smith, Eleanor
 Smith, Laura
 Smith, Nick
 Smith, Owen
 Smyth, Karin
 Snell, Gareth
 Sobel, Alex
 Spellar, rh John
 Starmer, rh Keir
 Stevens, Jo
 Streeting, Wes
 Sweeney, Mr Paul
 Tami, Mark
 Thomas, Gareth
 Thomas-Symonds,
 Nick
 Thornberry, rh Emily
 Timms, rh Stephen
 Trickett, Jon
 Turley, Anna
 Turner, Karl
 Twigg, Stephen
 Twist, Liz
 Vaz, rh Keith
 Vaz, Valerie
 Walker, Thelma
 Watson, Tom
 West, Catherine
 Western, Matt
 Whitehead, Dr Alan
 Whitfield, Martin
 Williams, Hywel
 Williams, Dr Paul
 Williamson, Chris
 Wilson, Phil
 Yasin, Mohammad
 Zeichner, Daniel

Tellers for the Ayes:
Stephanie Peacock and
Jeff Smith

NOES

Adams, Nigel
 Afolami, Bim
 Afriyie, Adam
 Aldous, Peter
 Allan, Lucy
 Allen, Heidi
 Amess, Sir David
 Andrew, Stuart
 Argar, Edward
 Atkins, Victoria
 Bacon, Mr Richard
 Badenoch, Mrs Kemi
 Baker, Mr Steve
 Baldwin, Harriett
 Barclay, Stephen
 Baron, Mr John
 Bebb, Guto
 Benyon, rh Richard
 Beresford, Sir Paul
 Blackman, Bob
 Blunt, Crispin
 Boles, Nick
 Bone, Mr Peter
 Bottomley, Sir Peter
 Bowie, Andrew
 Bradley, Ben
 Bradley, rh Karen
 Brereton, Jack
 Bridgen, Andrew
 Brine, Steve
 Brokenshire, rh James
 Bruce, Fiona
 Buckland, Robert
 Burghart, Alex
 Burt, rh Alistair
 Cairns, rh Alun
 Campbell, Mr Gregory
 Cartlidge, James
 Cash, Sir William
 Chalk, Alex

Chishti, Rehman
 Chope, Sir Christopher
 Churchill, Jo
 Clarke, rh Mr Kenneth
 Clarke, Mr Simon
 Cleverly, James
 Clifton-Brown, Sir Geoffrey
 Coffey, Dr Thérèse
 Collins, Damian
 Costa, Alberto
 Courts, Robert
 Cox, rh Mr Geoffrey
 Crabb, rh Stephen
 Crouch, Tracey
 Davies, Chris
 Davies, David T. C.
 Davies, Glyn
 Davis, rh Mr David
 Dinenage, Caroline
 Djanogly, Mr Jonathan
 Docherty, Leo
 Dodds, rh Nigel
 Donaldson, rh Sir Jeffrey
 M.
 Dorries, Ms Nadine
 Double, Steve
 Dowden, Oliver
 Drax, Richard
 Duddridge, James
 Duguid, David
 Duncan Smith, rh Mr
 Iain
 Dunne, Mr Philip
 Ellis, Michael
 Elphicke, Charlie
 Eustice, George
 Evans, Mr Nigel
 Evennett, rh Sir David
 Fabricant, Michael
 Fallon, rh Sir Michael
 Field, rh Mark
 Ford, Vicky
 Foster, Kevin
 Francois, rh Mr Mark
 Frazer, Lucy
 Freeman, George
 Fysh, Mr Marcus
 Gale, Sir Roger
 Garnier, Mark
 Gauke, rh Mr David
 Ghani, Ms Nusrat
 Gibb, rh Nick
 Gillan, rh Dame Cheryl
 Girvan, Paul
 Glen, John
 Goldsmith, Zac
 Goodwill, rh Mr Robert
 Gove, rh Michael
 Graham, Luke
 Graham, Richard
 Grant, Bill
 Grant, Mrs Helen
 Gray, James
 Grayling, rh Chris
 Green, Chris
 Green, rh Damian
 Greening, rh Justine
 Grieve, rh Mr Dominic
 Griffiths, Andrew
 Gyimah, Mr Sam
 Hair, Kirstene
 Halfon, rh Robert

Hall, Luke
 Hammond, Stephen
 Hancock, rh Matt
 Hands, rh Greg
 Harper, rh Mr Mark
 Harrington, Richard
 Harris, Rebecca
 Harrison, Trudy
 Hart, Simon
 Hayes, rh Mr John
 Heald, rh Sir Oliver
 Heappey, James
 Heaton-Harris, Chris
 Heaton-Jones, Peter
 Henderson, Gordon
 Hinds, rh Damian
 Hoare, Simon
 Hollingbery, George
 Hollinrake, Kevin
 Hollobone, Mr Philip
 Holloway, Adam
 Howell, John
 Huddleston, Nigel
 Hughes, Eddie
 Hunt, rh Mr Jeremy
 Hurd, rh Mr Nick
 Jack, Mr Alister
 Javid, rh Sajid
 Jayawardena, Mr Ranil
 Jenkin, Sir Bernard
 Jenkyns, Andrea
 Jenrick, Robert
 Johnson, rh Boris
 Johnson, Dr Caroline
 Johnson, Gareth
 Johnson, Joseph
 Jones, Andrew
 Jones, rh Mr David
 Jones, Mr Marcus
 Kawczynski, Daniel
 Keegan, Gillian
 Kennedy, Seema
 Kerr, Stephen
 Knight, rh Sir Greg
 Knight, Julian
 Kwarteng, Kwasi
 Lamont, John
 Lancaster, rh Mark
 Latham, Mrs Pauline
 Leadsom, rh Andrea
 Lee, Dr Phillip
 Lefroy, Jeremy
 Leigh, Sir Edward
 Letwin, rh Sir Oliver
 Lewer, Andrew
 Lewis, rh Brandon
 Lewis, rh Dr Julian
 Liddell-Grainger, Mr
 Ian
 Lidington, rh Mr David
 Little Pngelly, Emma
 Lopez, Julia
 Lopresti, Jack
 Lord, Mr Jonathan
 Loughton, Tim
 Mackinlay, Craig
 Maclean, Rachel
 Main, Mrs Anne
 Mak, Alan
 Malthouse, Kit
 Mann, Scott
 Masterton, Paul

Maynard, Paul
 McLoughlin, rh Sir Patrick
 McVey, rh Ms Esther
 Menzies, Mark
 Mercer, Johnny
 Merriman, Huw
 Metcalfe, Stephen
 Miller, rh Mrs Maria
 Milling, Amanda
 Mills, Nigel
 Milton, rh Anne
 Mitchell, rh Mr Andrew
 Moore, Damien
 Mordaunt, rh Penny
 Morris, Anne Marie
 Morris, David
 Morris, James
 Morton, Wendy
 Mundell, rh David
 Murray, Mrs Sheryll
 Murrison, Dr Andrew
 Neill, Robert
 Newton, Sarah
 Nokes, rh Caroline
 Norman, Jesse
 O'Brien, Neil
 Offord, Dr Matthew
 Opperman, Guy
 Parish, Neil
 Paterson, rh Mr Owen
 Pawsey, Mark
 Percy, Andrew
 Perry, rh Claire
 Philp, Chris
 Pincher, Christopher
 Poulter, Dr Dan
 Pow, Rebecca
 Prentis, Victoria
 Prisk, Mr Mark
 Pursglove, Tom
 Quin, Jeremy
 Quince, Will
 Raab, rh Dominic
 Redwood, rh John
 Rees-Mogg, Mr Jacob
 Robertson, Mr Laurence
 Robinson, Gavin
 Robinson, Mary
 Rosindell, Andrew
 Ross, Douglas
 Rowley, Lee
 Rudd, rh Amber
 Rutley, David
 Sandbach, Antoinette
 Scully, Paul
 Seely, Mr Bob
 Selous, Andrew
 Shannon, Jim
 Shapps, rh Grant
 Sharma, Alok
 Simpson, David

Simpson, rh Mr Keith
 Skidmore, Chris
 Smith, Chloe
 Smith, Henry
 Smith, rh Julian
 Smith, Royston
 Soames, rh Sir Nicholas
 Soubry, rh Anna
 Spelman, rh Dame Caroline
 Spencer, Mark
 Stephenson, Andrew
 Stevenson, John
 Stewart, Bob
 Stewart, Iain
 Stewart, Rory
 Streeter, Mr Gary
 Stride, rh Mel
 Stuart, Graham
 Sturdy, Julian
 Sunak, Rishi
 Swayne, rh Sir Desmond
 Swire, rh Sir Hugo
 Syms, Sir Robert
 Thomas, Derek
 Thomson, Ross
 Throup, Maggie
 Tolhurst, Kelly
 Tomlinson, Justin
 Tomlinson, Michael
 Tracey, Craig
 Tredinnick, David
 Trevelyan, Mrs Anne-Marie
 Truss, rh Elizabeth
 Tugendhat, Tom
 Vaizey, rh Mr Edward
 Vara, Mr Shailesh
 Vickers, Martin
 Villiers, rh Theresa
 Walker, Mr Charles
 Wallace, rh Mr Ben
 Warburton, David
 Warman, Matt
 Watling, Giles
 Whately, Helen
 Wheeler, Mrs Heather
 Whittaker, Craig
 Whittingdale, rh Mr John
 Wiggin, Bill
 Williamson, rh Gavin
 Wilson, rh Sammy
 Wollaston, Dr Sarah
 Wood, Mike
 Woodcock, John
 Wragg, Mr William
 Wright, rh Jeremy
 Zahawi, Nadhim

Tellers for the Noes:
Mims Davies and
Michelle Donelan

Question accordingly negated.

Clause 5

UPLIFT IN EXCEPTIONAL CIRCUMSTANCES

Amendment made: 1, page 5, line 30, after “injury” insert “or injuries”.—(*Rory Stewart.*)

This amendment makes a correction. Regulations under Clause 3(2) may specify an amount in respect of one or more whiplash injuries.

Mr Deputy Speaker (Sir Lindsay Hoyle): I will now suspend the House for no more than five minutes in order to make a decision about certification. The Division bells will be rung two minutes before the House resumes. Following certification, the Government will table the appropriate consent motions, copies of which will be made available in the Vote Office and distributed by the Doorkeepers.

5.49 pm

Sitting suspended.

5.53 pm

On resuming—

Mr Deputy Speaker (Sir Lindsay Hoyle): I can now inform the House that I have completed certification of the Bill, as required by the Standing Order. I have confirmed the view expressed in the Speaker's provisional certificate issued yesterday. Copies of the final certificate will be made available in the Vote Office and on the parliamentary website. Under Standing Order No. 83M, a consent motion is therefore required for the Bill to proceed. Copies of the motion are available in the Vote Office and on the parliamentary website, and have been made available to Members in the Chamber. Does the Minister intend to move the consent motion?

Rory Stewart indicated assent.

The House forthwith resolved itself into the Legislative Grand Committee (England and Wales) (Standing Order No. 83M).

[SIR LINDSAY HOYLE *in the Chair*]

5.54 pm

The Chairman of Ways and Means (Sir Lindsay Hoyle): I remind hon. Members that, if there is a Division, only Members representing constituencies in England and Wales may vote.

Motion made, and Question proposed,

That the Committee consents to the Civil Liability Bill [Lords].—(*Rory Stewart.*)

Pete Wishart (Perth and North Perthshire) (SNP): It is always a pleasure to serve under your chairmanship, Sir Lindsay, especially when we are in such privileged surroundings as the de facto English Parliament. As you know, I always think that it is important that we mark and commemorate these auspicious occasions when English Members of Parliament get the opportunity to express their true English political values and to get to their feet, en masse, to discuss and debate these critical English-only issues. I also like to make a contribution in these events, as you know, Sir Lindsay. I have the proud record of having taken every single opportunity to speak when the English Parliament has met. In fact I have got the record—I have taken up something like 80% of the time in the English Parliament.

What surprises me is that when this opportunity is available to English Members, they cannot seem to bring themselves to actually consider and debate these critically important issues. There are important issues in this Bill that are English-only. In fact, the whole Bill is English-only, which rather prompts the question of why on earth we are doing this. I know that the Serjeant at Arms needs a bit of exercise, and it is quite an onerous responsibility to take the Mace down and then put it

back up. We obviously need an opportunity to see if the Division bells are still working, so the bells will go on and off, but then nothing ever happens. What is the point of this ludicrous session that we go through every time that a Bill has been certified in this way?

Patrick Grady (Glasgow North) (SNP): My hon. Friend is absolutely right to ask what is the point because under the Government's position, this English Parliament passes a legislative consent motion, but the experience of the Scottish Parliament is that legislative consent motions are worthless, and that the Government do not need legislative consent motions from the constituent parts of the United Kingdom to pass their legislation.

Pete Wishart: My hon. Friend makes a good and valid point, because legislative consent does seem to mean different things in different Parliaments. Here, for example, we have the Legislative Grand Committee: an innovation of this Parliament to allow English Members the opportunity to put forward their own particular English-only issues and amendments. In Scotland, of course, we have legislative consent motions that require our Scottish Parliament to agree, on its own behalf, to legislation passed in this House. There seems to be a particular problem with this. We have our own Parliament that is responsible for legislative consent motions, which are now more or less ignored by this Parliament. Here we have the English Legislative Grand Committee squatting in the UK Parliament. This is the Parliament of the United Kingdom of Great Britain and Northern Ireland, but somehow it still operates as a de facto English Parliament and as the venue for this Legislative Grand Committee.

It strikes me that that might be a bit odd. I have a little solution that I have presented to this House before, thus far without any great success and without anybody really paying attention to what was suggested, so I will make one more attempt: how about English Members getting their own Parliament? Then there will be a Scottish Parliament, a Welsh Assembly, a Northern Ireland Assembly and an English Parliament. Then, instead of having all these Legislative Grand Committees, we can all come together in a United Kingdom Parliament that is responsible for particular, defined issues, instead of having this ridiculous notion where English colleagues seem almost to squat in this place in order attend a debate that nobody takes part in.

Simon Hoare (North Dorset) (Con) *rose*—

Rory Stewart *rose*—

Pete Wishart: I give way to the Minister first, because I am particularly interested in his views about this.

Rory Stewart: I would be grateful to know how Union issues of foreign affairs and defence, which the people of Scotland voted in a referendum should continue to be dealt with by the United Kingdom, would be covered by the hon. Gentleman's proposal.

The Chairman: Order. We are discussing the legislative consent motion.

Pete Wishart: I only have a few seconds left. I am surprised at the Minister, because he is an erudite chap who understands constitutional issues and the history of this nation. Quite succinctly, I will tell him what it is

called. It is called federalism, which is where there are constituent Assemblies that have equal power and authority, and there is then another stratum of government, which would be the UK Parliament—

6 pm

The Chairman: Order. You did better than normal, Mr Wishart.

Debate interrupted (Programme Order, 4 September).

The Chair put forthwith the Question already proposed from the Chair (Standing Order No. 83M(5)).

That the Committee consents to the Civil Liability Bill [Lords].

Question agreed to.

The occupant of the Chair left the Chair to report the decision of the Committee (Standing Order No. 83M(6)).

The Deputy Speaker resumed the Chair; decision reported.

Third Reading

6.1 pm

Rory Stewart: I beg to move, That the Bill be now read the Third time.

It is with great pleasure that I rise to speak on Third Reading. This Bill has been a long time coming. The first suggestions of the Bill's introduction date back to 2012, six years ago, and the precise measures in the Bill were proposed by the Chancellor in an autumn statement in 2015, more than three years ago. Since then, there has been a series of detailed consultations. I would like to pay tribute to the Justice Committee for its prelegislative scrutiny, particularly on the issue of discount rates. Perhaps the biggest tribute must be paid to all Members of the other House, who undertook a very serious series of debates, which led to a number of significant changes to the Bill that I hope all Members of the House agree are significant improvements.

Perhaps the most dramatic improvement is the Government amendment that ensures insurers pass on savings to their customers. A number of learned, hon. and right hon. Friends have expressed concerns that were we to achieve a situation in which the insurance companies paid out less to claimants, that would simply go into the insurance companies' bottom line. We have therefore introduced through an amendment perhaps the most detailed and unprecedented reporting requirements incumbent on the insurance companies to the Treasury and the Financial Conduct Authority.

Julian Knight (Solihull) (Con): Will the Minister give way?

Simon Hoare (North Dorset) (Con) *rose*—

Rory Stewart: I will give way in one moment. To clarify, the intention is that the companies not just may but will pass this information to the Treasury and the Financial Conduct Authority, and the Treasury and the Financial Conduct Authority not just may but will request that information, so that we can accurately explain to Parliament and the people how much money the insurance companies are making from their premiums, how much they are paying out to claimants, how much savings they are making and how much of those savings they are passing on to their customers.

Julian Knight: Will the Minister confirm that this is an unprecedented level of oversight, in terms of what the Government are challenging the insurance industry to perform for its customers?

Rory Stewart: Absolutely. It is an unprecedented move. The fundamental idea is that the insurance companies are operating in a competitive market, so this is not simply a question of how much money they take in premiums or how much money they pay out; it is also about attracting customers, and in order to attract customers, they need to compete with one another on price. If they were not to do so, they would in effect be running a cartel, and the information they give to the Treasury and the Financial Conduct Authority would provide exactly the evidence to display that kind of unfair practice. We are therefore guaranteeing that the commitment made by 85% of the insurance industry to pass on these savings to customers will be upheld. I give way to the hon. Member for Belfast South (Emma Little Pengelly). *[Interruption.]* Oh, no, she was not intervening on me. I apologise.

Simon Hoare: It was me.

Rory Stewart: I give way to my hon. Friend.

Simon Hoare: I must say that I have been confused with many things, but to be confused with an hon. Lady from the DUP is a first.

My hon. Friend the Minister, perfectly properly and quite rightly, is placing very important obligations on the insurance industry. The FCA has a raft of things of which it has oversight. How is he proposing, alongside the Treasury, to communicate to the FCA that this House has the legitimate expectation that the FCA should be robust in seeking that information from the insurers?

Rory Stewart: This is a very good challenge, and we will reinforce that duty on the FCA through both the legislation and the statements within the amendment proposed by the Government. We will also reinforce it through this statement from the Dispatch Box: we will require the insurers to pass this information on and we will require the Treasury and the FCA to request it. The purpose of requesting that information is rigorously to hold the insurance industry to account and ensure that the savings are passed on to customers.

I want to take this opportunity to pay tribute to the personal injury lawyers. One of the problems in this debate has been the suggestion that it is a black-and-white, sometimes Manichean dispute, with the press and civil society sometimes unfairly implying that the personal injury lawyers are somehow to blame. We must put on the record very clearly our respect for the personal injury lawyers and the work they do.

In addition, we must send a very strong message of respect towards people who are genuine victims of whiplash injuries, or indeed of any other form of personal injury. They are entitled to a fair level of compensation and to an adequate level of representation. We believe very strongly that the measures in the Bill strike a proportionate and reasonable balance between fair compensation, reasonable representation and the costs imposed on the rest of society.

Kevin Hollinrake: My hon. Friend makes a very good point about the personal injury lawyers. One of the provisions in the Bill—I think it is clause 8—states that claims management companies will be regulated by the FCA. We already regulate the insurance industry, so how do we make sure there is no conflict of interest in the regulation of both those parties, which often have competing interests?

Rory Stewart: This is a very interesting point, and I am very happy to follow up on it in more detail. The nature of the regulation in each case is quite distinct. In relation to the insurance industry, the regulation proposed is to ensure that we have the financial information to prove that the savings the insurance industry has derived from these reforms are passed on to customers. In the case of the claims management companies, the regulation is to ensure that they comply with the law, particularly the legal changes introduced by previous legislation. In accordance with the suggestions from the Justice Committee, we are also looking at the advice forthcoming from the judiciary to ensure that we can deal with other issues involving claims management companies.

If I may, I will come back to the core of the Bill. We are dealing with a perfect storm of three things. First, at the minor end of whiplash injuries—the three-to-six-month end—this is a condition that, in effect, is unverifiable and difficult to disprove. The polite way of expressing this is to say that there is an asymmetry of information. Somebody suffering a whiplash injury will experience genuine and sincere pain, but that pain cannot be detected at the minor end through any medical instruments. That is the first challenge involved in this type of injury.

The second challenge is of course the level of payments offered to individuals suffering these injuries. The third is the level of recoverable costs which meant, in effect, that a no win, no fee process was operating in which people could apply to a lawyer to represent them and be confident that the legal costs would be recoverable from the defendant. When that is connected to the fact that for all the reasons I have given—particularly the first, asymmetry of information—the insurance companies are not contesting claims, we end up with a discrepancy rapidly emerging between the number of motor vehicle accidents and the number of claims, and between the number of claims made in the United Kingdom and the number made in other jurisdictions.

Lord Brown of Eaton-under-Heywood, a former justice of the Supreme Court, stated that he was

“reluctantly persuaded that this provision is justified: it is surely intolerable that we are known as the whiplash capital of the world, so I have concluded that it is open to government, as a matter of policy, to seek to deter dishonest claims in this way.”—*[Official Report, House of Lords, 12 June 2018; Vol. 791, c. 1603.]*

Kwasi Kwarteng: Does my hon. Friend have any idea why the situation has developed in which we are the whiplash capital of the world, as the noble Lord put it?

Rory Stewart: It is a sensitive issue, because of course many individuals who have even quite a minor road accident experience a whiplash injury and have significant pain, particularly in the soft tissue of the neck and shoulders, which can last three to six months in the majority of cases or longer in a minority of cases. However, the *New England Journal of Medicine*, which

conducted a significant study across various countries, concluded that the prognosis for a whiplash injury was significantly worse in countries in which compensation existed. In other words, there appears to be some form of medical relationship between the compensation offered and the prognosis for the whiplash injury.

How that relationship operates is a matter of speculation, but the following things may explain it. First, compensation payments and the encouragement provided by claims management companies, particularly on the telephone—we have heard a great deal of anecdotal evidence about that today—could encourage individuals to make claims that they may not themselves feel are as justified as the claims management companies imply. That leads to serious problems, the first of which is moral. It is a problem of dishonesty. In effect, it appears that some people—we do not know how many, but certainly a significant minority—are being encouraged to make dishonest insurance claims. As hon. Members have pointed out, that is potentially morally corrosive to our society. We do not want to encourage a system in which people feel that they can make such claims.

The second problem is that the situation has had a disproportionate impact on court time. Lord Faulks has said:

“If there was to be a reduction for really serious injuries, I can imagine why noble Lords would baulk at the imposition of a tariff. However, we are for the most part talking about pain and discomfort of a relatively transient nature... So these reforms—quite modest though they are—are a proper response to what I would describe as a racket.”—[*Official Report, House of Lords*, 12 June 2018; Vol. 791, c. 1607.]

The cost to society imposed by this compensation is disproportionate to the severity of injury.

Eddie Hughes: This might sound like an unrelated point, but surely the best way to deal with whiplash is to prevent it from happening in the first place. I believe that in 2015, the Government committed to spending £1.5 billion on 10 smart motorway schemes, the idea of which is to keep traffic flowing at a constant speed. If people are stopping and starting all the time, they lose concentration and are more likely to drive into the car in front of them, resulting in a possible claim for whiplash. The Government are dealing not just with the problem itself but with the root cause.

Rory Stewart: That is a very good point. Fundamentally, our prime obligation must be to improve road safety. Both the Labour Government and our own Government have made progress in that regard. In fact, over the past 15 years we have seen a 35% reduction in road traffic accidents, and, as we have heard, the safety equipment in vehicles has improved dramatically. Whereas 15 years ago only 15% of vehicles were fitted with equipment that can protect someone from whiplash, 85% now are, so people are safer in their car and less likely to have an accident. However, my hon. Friend’s central point is absolutely right. Very tragically—I have experience of this through my constituents, as will other hon. and right hon. Members—if someone who was killed in a motor car did not have a dependant, their family would be entitled to almost no compensation at all. Our obligation must be to prevent the accident from happening in the first place.

John Howell: Earlier this afternoon, the Minister will have heard my hon. Friend the Member for Croydon South (Chris Philp) give an example of how he was approached—hassled, in fact—by a claims management company. I, too, have been in that situation for a fictitious accident and I still get calls about that. Is dealing with this not one of the real ways that we will be able to prevent our being the whiplash capital?

Rory Stewart: My hon. Friend makes a very good point, which has been made by the shadow Front-Bench team and others: dealing with claims management companies is going to be a central part of this. Consultation has taken place on this, and measures have been taken against claims management companies. A significant issue remains, which we are consulting on and trying to resolve—to be honest with the House, it is the fact that many of these calls come from foreign jurisdictions, so the challenge is trying to work out the best way to deal with that.¹ On my way into the Second Reading debate, I received exactly that kind of call, encouraging me to make a whiplash claim for a car accident that I had suffered. For a moment, I wondered whether somebody had not put somebody else up to calling me in this fashion and whether this was not some kind of fuss. Sure enough, however, this is continuing to happen.

Julian Knight: Perhaps the company in question knew that the Minister was in for a bruising time in that debate. The absolute key to this whole debate is that this is about confidence in our legal system and in justice in compensation. The reality is that these phone calls and companies, which try to encourage people to make claims for any particular reason, are destroying confidence in that system. That is why the Bill is so necessary.

Rory Stewart: This is a really important point. At the core of our legal system there needs to be public trust and confidence in that system, and having an honest, proportionate, credible and calibrated system is absolutely central to the public continuing to have confidence.

With your permission, Mr Deputy Speaker, I want to make one slightly technical point relating to the Bill, and in particular to the injuries mentioned in clause 1(2) and (3). Subsection (2) states:

“An injury falls within this subsection if it is—

(a) a sprain, strain, tear, rupture or lesser damage of a muscle, tendon or ligament in the neck, back or shoulder, or

(b) an injury of soft tissue associated with a muscle, tendon or ligament in the neck, back or shoulder.”

Subsection (3) states:

“An injury is excepted by this subsection if—

(a) it is an injury of soft tissue which is a part of or connected to another injury”.

I wish to pause on that point for a second, because we wish to make it clear, as the Government, that when we refer to the question of something being “connected”, we are not referring to it being connected simply by virtue of it taking place within the same accident.

I have the following on a formal piece of paper here, so that I can make my *Pepper v. Hart* statement to make sure that this is clear for the judiciary. In subsection (3), therefore, we have excluded those soft tissue injuries in the neck, back or shoulder which are part of or connected to another injury, so long as the other injury is not covered by subsection (2). The effect of subsection (3)

1. [*Official Report*, 3 December 2018, Vol. 650, c. 7MC.]

[Rory Stewart]

would be to exclude, for example, damage to soft tissue which results only from the fracture of an adjoining bone or the tearing of muscles arising from a penetrating injury, which would otherwise fall within subsection (2). It has been suggested that the words “connected to another injury” in subsection (3)(a) could mean an injury resulting from the same accident. There is therefore a concern that a number of soft tissue injuries that would otherwise fall under the definition of whiplash injury will be excluded, and so not subject to the tariff of damages, simply by reason of being suffered on the same occasion as a whiplash injury.¹

This is absolutely not the intention behind subsection (3). Nor is it an interpretation that stands scrutiny. The effect of that interpretation would be to significantly limit the scope of clause 1, in a quite arbitrary way, based on whether a person happened to have incurred any other injury in the same road traffic accident. That is not the intended effect, and nor do we believe that the clause will be interpreted by the courts in this way, as it would not be the normal meaning of the word “connected” in this context. To clarify then: the words “connected to” do not, and are not intended to, extend to situations where two or more injuries are connected solely by their cause—for example, a road traffic accident.

Stephen Kerr: Since the Minister was taking interventions, I thought I would chance my arm and intervene to ask, as a Scottish Member, what discussions he has had with his Scottish counterpart. The Scottish Government committed to introducing draft legislation mirroring this Bill, which is for England and Wales only. Where is that Bill? I understand that it has not even begun to make progress in the Scottish Parliament. What has the conversation been like with the Scottish Minister?

Mr Deputy Speaker (Sir Lindsay Hoyle): Order. That is not the issue before us.

Rory Stewart: Unfortunately, tempted though I am to respond, as you point out, Mr Deputy Speaker, I am not entitled, particularly following some of the comic interventions from the hon. Member for Perth and North Perthshire (Pete Wishart), to speculate on what the Scottish Government think they are doing. My hon. Friend is absolutely correct, however, that they chose to withdraw from this Bill.

We have talked a great deal about whiplash injuries and how we have attempted to address them, and I am happy for others to return to that question in interventions if they wish to do so, but we have perhaps had less time to address another central issue, which is the second part of the Bill, on the discount rate.

Robert Neill: I am pleased the Minister is mentioning that, because although we have concentrated on some controversial areas, putting the discount rate on a more modern footing is important and largely welcome, as is of course the prohibition on settlement without medical reports, which again has not been touched on but is very significant and an advance.

I want to use this opportunity to thank the Minister for what he said about the Justice Committee and the way he engaged with us and me personally. We have raised caveats with some of the objectives, and he has

met us on a number of issues, if not all of them, which has enabled those of us who want to keep an eye on this and hold the Government and the industry's feet to the fire to adopt Lord Brown of, um, Eaton, um—

Simon Hoare: Eaton-under-Heywood.

Robert Neill: That one. I ought to know him, as a fellow bencher of Middle Temple, and to get his title right. The noble Lord Brown has said that with some reluctance—because it is a balancing act—he can accept the Government's intentions in this regard. The way the Minister has handled this difficult balancing act in the Bill has made it much easier for a number of hon. Members to do the same.

Rory Stewart: I am tempted to reflect on the question from my hon. Friend the Chair of the Justice Committee. There is a central issue and challenge at the heart of the Bill. Dealing with this perfect storm of problems—unprovable conditions, high payments, recoverable costs and the actions of the insurance industry—is not easily done through primary legislation, so I pay tribute to right hon. and hon. Members on both sides for their focus on not just the primary legislation but elements of secondary legislation and some of the requirements around it.

The only way this reform will work—the only way to prevent excessive whiplash claims—is by being very nimble in anticipating exactly how claims management companies will operate and predicting how this phenomenon could change in the future. As my hon. Friend has pointed out, that means putting in place an absolute insistence that someone must have a medical examination. At the moment, many of these claims are settled without anybody having any medical examination at all. There must be a medical examination, and it must be conducted by a qualified GP, who is currently allocated through the portal in a random fashion so that people are not in a position to be able to conspire in any way as a result of the kind of doctor whom they are given. An approved GP with the right kind of training, or a medical specialist of another sort, will then give a prognosis that will allow them to proceed in a much more straightforward way.

That brings us to the second aspect, which, again, is not primarily a question of primary legislation. I refer to the design of the online portal. It is important to ensure that, as cases move to the small claims court, people have a straightforward, intuitive way of logging claims. One of the things that we will be doing over the next year is testing and retesting the portal in as many ways as we can to ensure that it actually works.

John Howell: I thank my hon. Friend for giving way again. He is being most generous.

I have been a great champion of the online work that is being done in the judiciary. I have spoken to Lord Briggs, and in my time in the courts, sitting with judges, I have championed it there. Does my hon. Friend agree that a very important element of the online system is the dramatic improvement in access to justice for people who are making claims? I know that a great deal of testing is involved, but does he also agree that the delay in its introduction is regrettable because it deprives people of that access to justice?

1. [Official Report, 3 December 2018, Vol. 650, c. 8MC.]

Rory Stewart: My hon. Friend has made a good point, but there is, of course, a delicate balance to be achieved. It is absolutely true that really good online systems can transform people's lives and make access to justice much easier for them, but, equally, the Government do not always have an unblemished record when it comes to the delivery of IT systems. It is important to ensure that the system really works and that we have tested it again and again before rolling it out, because otherwise a system designed to increase access to justice may inadvertently decrease that access through the malfunctioning of the online portal.

Robert Neill: Will my hon. Friend give way one last time?

Rory Stewart: Yes.

Robert Neill: I am very grateful for my hon. Friend's generosity.

Some of the powerful evidence given to the Justice Committee came from two members of the judiciary who spoke about the potential unintended consequences and adverse impacts on the courts of the inability of an increasing number of litigants in person to work their way through the portal. Will my hon. Friend undertake to ensure that throughout the ongoing work on its design, the issues raised by members of the judiciary will remain central to the discussions, and that they will have a full role in the testing and roll-out?

Rory Stewart: The answer to both those questions is yes. An important concession was made in the House of Lords to extend the amount of time for testing, so that there is more time in which to make sure that the portal has been properly tested by, among others, the judiciary.

Part 2 of the Bill relates to the discount rate, and results from a very sudden change in the way in which compensation was paid to catastrophically injured victims. After 16 years in which the discount rate was set at a positive 2.5%, the last Lord Chancellor but one decided to reduce it to minus 0.75%, which radically changed what happens when someone is allocated a lump sum.

Let me remind the House of the formula that is applied. If, Mr Deputy Speaker, you were attempting to receive compensation for a projected 10 years of life, you were seeking £100,000 of care costs for each of those years, and inflation was, for the sake of argument, zero, you would receive only £1 million to cover you for your 10 years of projected life. Obviously, if inflation was higher, the real-terms increase in your care costs would mean that you would have to be afforded more, and the calculation that would need to be made in the awarding of the money would be how much of a return you could reasonably expect to receive for your money. If you could reasonably expect to receive a higher return for your £1 million, it might be possible to cover you for more years, and vice versa: fewer years would mean a lower return. The discount rate has been applied since the 1970s by the judiciary, and since 2001 by the Lord Chancellor, to enable the courts to calculate the fair rate to apply to a lump sum in the case of catastrophic injury. That sudden change from 2.5% to minus 0.75% meant that in the single year 2017-18 the NHS faced £404 million of costs. Projected forward at that rate, there are potentially not just hundreds of millions, but billions, of pounds of costs attached to the public

Exchequer and through insurance premiums on the public themselves. Therefore, through the pre-legislative scrutiny conducted by the Justice Committee and the Government Actuary's Department we have attempted to strike a proportional balance between the interests of often very vulnerable, catastrophically injured victims and those of society as a whole.

Julian Knight: Is it not the case that the mechanics of the discount rate as it was constituted by the Lord Chancellor before the previous one effectively mean that claimants are estimated to be receiving substantially more than 100% entitlement, and that is not what the system is about? We need a system that reflects current investment strategies and current investment returns.

Rory Stewart: This is a serious issue. The intention of the award made by the court is to provide 100% compensation. In other words, the intent of the court is to make sure that catastrophically injured victims receive the sum of money required to cover their lifetime care costs or loss of earnings. The best way of doing this is through a periodic payment order, which is why we have asked the Master of the Rolls and his committee to look at the use of PPOs. Under such orders, the real costs of people's care year on year to the moment of their death will be covered; that is how the PPO operates. There is no need to give people a lump sum and speculate somehow on how long they are going to live.

In all cases we would encourage people to make much more use of PPOs. It is true that victims often do not want to accept PPOs. They would rather accept a lump sum either because they believe they can invest it and potentially generate more money or because they feel that were they to die prematurely they could pass on that lump sum to their relatives, but that is not the intention of the award. The award is designed to produce 100% compensation for their care costs.

Mary Robinson: We must get this right for people who have had those catastrophic injuries; their lives are changed forever. Getting this discount rate right is also important because it will affect how they will invest. What more can we do to ensure that they are not forced into, or tempted to, make riskier investments over the course of their lifetime, which will affect their care?

Rory Stewart: That is absolutely right. First, we must bear it in mind that when looking at compensation for somebody in terms of their lifetime care costs, there are a number of uncertainties. First, the court has to make a judgment as to how long they believe that catastrophically injured victim will live, which is very difficult. Secondly, they have to make some kind of judgment of the future performance of the financial markets in order to work out what a reasonable rate of return would be to cover those lifetime care costs. For that reason, the PPO is a much more reliable mechanism. However, in relation to the question of the risks taken by the individual, we have made it clear both in the Bill and subsequent statements what we intend in the decision of the Lord Chancellor. This will be a decision of the Lord Chancellor acting in a quasi-judicial role; this is not the Lord Chancellor acting on behalf of the Treasury, which is why the Lord Chancellor before the previous one ended up at a minus 0.75% rate, which would not

[Rory Stewart]

have been the preferred Treasury rate. The Lord Chancellor is to make that decision on the basis that the individual concerned is a low-risk investor, and we would expect that individual to be taking less risk than would be taken by a traditional widows and orphans fund. In other words, because of the vulnerability of the investor and the importance of the return in covering things such as their lifetime care costs, we would be conservative in setting this rate.

We are confident that the rate that would be set would be better than the current rate, which imagines simply a gilt return, which does not reflect the actual nature of investing or of returns.

We are also clear that we are aiming for 100% compensation. We are not chasing a median compensation in which 50% would be under-compensated and 50% over-compensated. In fact, the Lord Chancellor would retain the discretion, on the advice of the expert committee and the Government Actuary's Department, to be able to vary that rate. The judiciary would have the possibility of varying the rate in exceptional circumstances. Let us be in no doubt that we have an obligation to the public purse, to the NHS and to the public as a whole to control the costs. We have a moral responsibility to ensure that the compensation paid is 100% and not 125%, but we also have a moral obligation to ensure that vulnerable individuals who have suffered catastrophic injuries are properly compensated.

The Bill contains measures to reform whiplash claims and the discount rate, and it is the result of an admirable exercise in serious discussion in the upper House, in Committee, with the Justice Committee and through engagement with civil society since 2012. It contains a pragmatic, nuanced and calibrated set of measures that will deal with the excessive costs of whiplash and ensure that the discount rate is set in a way that balances the needs of our most vulnerable victims with the needs of the public purse. On the basis of that, and with great thanks to right hon. and hon. Members, I commend the Bill to the House.

6.36 pm

Richard Burgon (Leeds East) (Lab): It is regrettable that we are here for the Third Reading of yet another Conservative Bill that unleashes a Tory attack on the rights of victims and undermines access to justice. When the record of this Conservative Government is written—probably sooner rather than later, if the media reports are to be believed—the way in which they have entrenched a two-tier justice system will be writ large on the political epitaph of the Prime Minister and this Government. The cruelty of the Conservatives' cuts to legal aid will be one example of that. Their wilful policy of making it harder for people to take on dodgy landlords or to challenge a flawed benefits decision or cruel immigration decision will be another, at a time when people need that kind of support more than ever. The Conservatives' record on employment tribunal fees will also be something that we in this country will look back on shame. It is not only unlawful, as the Supreme Court decided, but immoral.

Kevin Hollinrake: Will the hon. Gentleman give way?

Richard Burgon: I will not.

The Government's intent was clear for all to see. They are making it harder for workers to take on unscrupulous bosses—[*Interruption.*] If the hon. Member for Thirsk and Malton (Kevin Hollinrake) wishes to speak for the insurance industry, he can do so. Step up!

Kevin Hollinrake: I thank the hon. Gentleman for giving way. I was not going to speak for the insurance companies. I was going to ask whether he welcomed the fact that the Bill will lower the price of insurance for consumers. Does he not welcome that?

Richard Burgon: There is absolutely no guarantee of that happening as a result of the Bill. That is not its real purpose. It actually undermines access to justice. As I said on Second Reading, this is yet another attack by the Government on our justice system and on the vulnerable. It is an attack that will, in practice, enrich the Conservatives' friends in the insurance industry—[*Interruption.*] As we can hear, Conservative Members do not like that allegation, and they did not like it when I made it on Second Reading. Maybe it touches a nerve. The Government had a chance to disprove it by their actions, by backing amendments that would have ensured that the Bill would not simply line the pockets of the insurers, but they did not do that.

In their media briefing, the Government claim that the Bill is about cutting the number of fraudulent whiplash claims. Of course, no one would disagree with doing that, and had the Government taken measures that did that in reality and simply stopped there, they would undoubtedly have built a broad consensus and the Bill would have been uncontroversial. They did not do that, however. Instead, they pressed on with measures that will penalise the many. That, alongside their dire record on access to justice, is why we still believe that these reforms are a smokescreen. I know that there are many Conservative Members who pride themselves on defending our justice system, on upholding the rule of law and on promoting access to justice. Today is the day for those Members to show that they put their commitment to those important principles above narrow party interest by rejecting the unjust proposals.

The Bill started in the Lords, where it faced substantial opposition, not only from Labour Members or Members representing other political parties, but pre-eminent legal experts, including former Lord Chief Justices, who expressed their concerns about the Bill's impact on access to justice and the independence of the judiciary. The Government only narrowly defeated amendments—similar to those we have discussed today—that would have fundamentally altered the Bill for the better. Since then, they have not taken the opportunity to listen, not even to those pre-eminent legal experts. They have not tried to negotiate or to remove the barriers to justice that define the Bill. For those reasons and others that I will set out, Labour Members will vote against it.

Before addressing the Bill's provisions, I wish to place on record other elements of the package of reforms that are intended to be passed through statutory instruments. Through that route, the Government want to increase the small claims limit from £1,000 to £2,000 in all cases and from £1,000 to £5,000 in road traffic accident cases. That will make it much harder for workers to get compensation for workplace injuries, and for genuinely

injured people to get a fair settlement. A significantly greater number of claims will be dealt with through the small claims procedure, whereby no legal costs are usually awarded, even in successful claims.

When legal fees are not covered, tens of thousands of working people will simply be priced out of obtaining legal assistance, resulting in many pulling, dropping or not pursuing their cases. Of course, others, determined to secure justice, will fight on, but by representing themselves, at a massive disadvantage. An insurance company will be served by a legal expert fighting their case. The victim will be left to try to navigate a complicated legal procedure, placing greater pressure on our already overstrained courts. Some will choose to pay their legal fees out of their compensation, but then, in practice, they will be compensated less than a court found appropriate. As always, the wealthy will be able to afford the best legal advice and the rest will have to suffer.

Justice for the many, not the few is mere rhetoric for the Government. In reality, it is justice for the few, not the many. Is that why the Government are trying to sneak measures through the back door rather than putting them in the Bill so that they could be debated and amended? That is a cowardly attack on workers' rights, pushed through without real debate or scrutiny. That just about sums the Government up.

I want to give some real-life examples of people affected by the reforms because far too often their voices are not heard in this place.

Mr Speaker: Order. I gently say to the shadow Secretary of State, who has come on later than he might have expected to speak—the Minister was within his rights to speak for an unusually long time for Third Reading—that the hon. Member for Belfast South (Emma Little Pengelly) indicated to me several hours ago that she wished to contribute on Third Reading. It would be most unfortunate if there were not an opportunity for Back-Bench Members to speak. I am not blaming the hon. Gentleman, but I ask him whether he might take account of the interest on both sides of the House.

Richard Burgon: Thank you very much, Mr Speaker.

Those people include a driver, working to take disabled people to and from a day centre, who, because he had not been properly trained, fell off the vehicle while assisting a wheelchair user and suffered a back injury. They include a cleaner in a hospital who, while mopping the floor, went to pick up some papers and pricked her finger on an unsafely discarded needle. She suffered a psychological and physical injury. Just imagine the fear she must have felt as she waited for the test results. Those are examples of cases that have been sent to my office, and of real people who would be penalised by the new system. Those are the people whose voices the Government are content to drown out with their rhetoric that labels people fraudsters and says that they are on the make when they are anything but.

When we consider the Bill, we should not forget that there was a 90% drop-off in employment tribunal claims when employment tribunal fees came into effect. Something similar could happen again with personal injury cases, with genuine victims priced out of justice and deterred from pursuing a claim for an injury that was not their fault.

It is not only Labour who oppose this Conservative attack on access to justice. The Justice Committee has explained that

“increasing the small claims limit for personal injury creates significant access to justice concerns.”

We agree with the Justice Committee and the recommendation of the Lord Justice Jackson review that the small claims limit should be increased in line with inflation, which would mean a rise to £1,500, not the £2,000 currently proposed. We have repeatedly tabled amendments to the Bill, and it is a shame that the Government have not listened. We have also made clear our position on tariffs, and it is a shame that the Government have not responded in a meaningful way to those amendments.

I am conscious that Mr Speaker has asked that I shortly draw my remarks to a conclusion, but I urge every Member of this House to look at the chart produced by the House of Commons Library at page 30 of the briefing and ask themselves whether this is just. What does the chart show? It shows that compensation for an injury lasting up to six months will fall to a fixed £470, down from the current average of £2,150—down by three quarters. Compensation for an injury lasting 10 to 12 months will be £1,250, down from the current average of £3,100—down 60%. Compensation for an injury lasting 16 to 18 months will be £2,790, down from £3,950—down by 30%. Is that what the Conservatives mean by justice?

Injured people who have done nothing wrong are losing out and being placed at a huge disadvantage. If Conservative Members do not want to take Labour's word for it, they should at least think very carefully about what was said in the House of Lords. The point has already been made that this Bill undermines the independence of the judiciary with the tariff system. We have commented on the definition of whiplash and on the fact that the Government are making out that fraud is taking place on an industrial scale. Do something about cold calling from claims management companies; do not target injured people.

Why not exempt children? People outside this place will not believe that the Government did not concede on our common-sense amendment and have refused to budge on the discount rate.

The central purpose of the Bill is to tip the scales of justice against injured people and in favour of insurance companies' profits. The Conservatives have shown that this is about lining the pockets of insurance companies by refusing to vote for Labour's considered amendments, which would have protected vulnerable people and safeguarded fair treatment for victims. This attack on justice is not the first by this Government since 2010—after legal aid and employment tribunal fees—and I fear it will not be the last Tory attack on access to justice.

The wider measures that the Conservatives plan to introduce alongside the Bill will leave tens of thousands of people unable to enforce their legal rights. The Bill may well turn out to be the thin end of the wedge for yet more restrictions on justice in all personal injury cases. If it passes, it will be celebrated as a great victory by the insurance companies in whose interests it has been conceived and drafted, and it will be ordinary people, whose rights are gradually chipped away, who pay the price. That is why Labour will be voting against Third Reading tonight.

6.47 pm

Eddie Hughes: It is a privilege to follow the hon. Member for Leeds East (Richard Burgon), although I was slightly concerned that, as he reached his peroration, a sudden stop in his speaking might have caused some whiplash to himself, but he seems to have escaped from the Dispatch Box unaffected.

The Joseph Malins poem “The Ambulance down in the Valley” tells the story of a village on a cliff edge and, instead of putting up a fence around the cliff edge, the residents decide to put an ambulance down in the valley to treat people when they fall and are injured at the bottom, but that is not this Conservative Government’s approach.

The Government announced in 2015 that they were investing £1.5 billion in smart motorways to help to alleviate the stop-start traffic that is so often the cause of collisions that result in whiplash. Although I am sure you and I are not prone to this, Mr Speaker, lesser mortals than us occasionally use their mobile phone while driving, and this terrible distraction can also lead to accidents that cause whiplash. So what have this Government done about it? In 2017 they increased the penalty for those caught using a mobile phone while driving to six points and a fine of £200. For those caught a second time, the penalty rises to 12 points, a possible ban and a possible £1,000 fine. So it is important that we do not just talk about dealing with the problem of whiplash—how about we try to alleviate it or remove it in the first place? That is what this Government are doing.

This Government are also making sure that we look after the just about managing. In my constituency, which I understand is the most deprived one represented by a Conservative MP, every pound these people have matters to them; it is incredibly important. So if this Bill can go some way to reducing insurance premiums, surely that is to be valued. I have heard the figure of £35 mentioned. Some people might consider that to be insignificant, but when someone is on a low salary, as people in my constituency are, of course every pound matters.

That is not the only thing we have done. When I think about my constituents tuning into Parliament TV, as I am sure they often do at 10 to 7 on a Tuesday evening, I often think they will be considering the debate in isolation. So my job, as their MP, is to try to bring some context to the discussion. They will think, “This is good. I am glad we are introducing this policy that might help to reduce my insurance premium. But what else are you doing on our behalf, Eddie?” I would say, “Well, I am part of the Government that increased the tax-free allowance to £11,850 last year.” To people in my constituency on an average salary of £27,000 that is a hugely significant difference. What else did we do? We increased the minimum wage to £7.83, which has helped 2 million workers. Therefore, we need to consider this in context.

It is so important that we have the injury tariff in this Bill, because that will give us the opportunity to streamline claims and lower premiums, with the hope that that will then be passed on to my constituents. There are a number of things to be valued in the Bill, all of them good Conservative principles. They are just one part of a theme that runs through this Parliament, which is about looking after all the people of the United Kingdom.

6.52 pm

Emma Little Pengelly (Belfast South) (DUP): Thank you for the opportunity to speak in the debate, Mr Speaker. I will try to be as brief as possible. Of course, all the Bill’s clauses refer and apply only to England and Wales, so I thank the Minister for his engagement with me about them, many of which will be of benefit, including those on access to justice at the lower end in relation to the whiplash issues and on the adjustment of the discount rate. I want to raise a particular issue on which I have engaged with the Minister on an ongoing basis: the discount rate situation in Northern Ireland.

As a result of the stagnant and stalled political solution in Northern Ireland, we have not been able to address the unfair discount rate of 2.5%. Let me put that into context. Under that discount rate, an 18-year-old with £100,000 per annum of requirements will get about £5 million to £6 million, whereas under the changed UK rate, that sum would be £9 million. We are therefore talking about a hugely significant difference, particularly for those who have suffered catastrophic injuries through no fault of their own, and it needs to be addressed urgently. Yes, the adjustment of the discount rate under this Bill will narrow the gap, but that gap will still be significant. I have asked the Minister to consider extending the Bill to cover Northern Ireland. I know the legislation will head back to the House of Lords and I understand fully the challenges in introducing this issue, but it is now clear that it could be extended. This is a non-controversial issue. There are people in need and an unfairness in place, so I ask the Minister seriously to consider extending the provision to address this injustice in Northern Ireland.

I beg your indulgence, Mr Speaker, in my putting on record the fact that today is the 25th anniversary of the Shankill bomb. That IRA bomb killed nine innocent civilians, including two children—13-year-old Leanne and seven-year-old Michelle. I just want to pay a tribute, because this Bill is about access to justice. The person who was convicted of that bombing served just seven years and was released under the terms of the Belfast agreement in 2007—that was seven years for nine innocent lives taken by that bomb. I do want to say on record that my thoughts are with the families at this very difficult time. Thank you, Mr Speaker.

6.54 pm

Kevin Hollinrake: May I concur with the comments of the hon. Member for Belfast South (Emma Little Pengelly) about that terrible tragedy, and also the terrible injustice that followed in the process of the prosecution of that crime? Our thoughts are with all the families at this moment in time.

The Bill is surely about fairness—making sure that we look after the interests of consumers. I echo the comments of my hon. Friend the Member for Walsall North (Eddie Hughes) when he said that this Government are championing the cause of the consumer and making sure that we drive down the costs of living. There have been many examples of where we have been able to do that over recent months, such as the cap on energy costs, of course, and the Tenant Fees Bill, which is, as you know, Mr Speaker, something that is very close to my heart as it is related to my previous profession. I say

that despite the significant hit to our business—Members can check my entry in the Register of Members' Financial Interests—because it is absolutely the right thing to do. We should look after the interests of consumers and make sure that their interests are fairly represented.

There are other areas in which we seek to legislate, such as leasehold reform to make sure that people do not find that they are paying unfair charges for leasehold properties. That is another instance of how we are trying to drive down the costs of living for our consumers.

The hon. Member for Ealing North (Stephen Pound) indicated from a sedentary position that he questioned the relevance of my hon. Friend's points about the fact that we are trying to drive up the standard of living and reduce the costs of living, but it was absolutely relevant, as this is a key strategy of the Government. We want to make sure that we reduce the cost of living and increase the standard of living.

The Bill also, of course, fulfils a manifesto commitment. We were clear in our 2017 manifesto that we would deliver on the promise to reduce insurance costs, and that is what this is all about. We are still making sure that people get fair compensation, but we are reducing car insurance costs for the majority. That, along with simplifying the system, is the principle of this Bill.

It is very disturbing to hear my hon. Friend's comment that this country is the whiplash capital of the world. It is therefore only right that we take action in this area and try to reduce the excessive costs of whiplash compensation, which do, of course, affect us all. This is not about saying that we will not give people fair and appropriate compensation when accidents happen, but it is about clamping down on the worst excesses. With a 40% increase in the number of claims since 2005-06, it is only right, when our roads are actually safer, that we make sure that any compensation paid for accidents on the road is commensurate with the injury itself.

It is absolutely right that we stand up for genuine claimants, but we must provide fair compensation for those claimants. The Opposition's amendment 2 was simply a wrecking amendment. It is clear what this Bill is about, and that amendment would have hit right at its heart. Without being able to control the tariffs for compensation, the Bill would have been pointless. I guess that it will not be the last wrecking amendment that we will see in this place over the next few months, but it is absolutely right that this Bill, which implements a manifesto commitment, passes through the House.

It is also right that we try to make sure that insurers pass on the savings from which they will benefit as a result of the Bill. It is right, too, that there is clear supervision of the rules to make sure that those savings are passed on to the consumer.

Let me briefly touch on claims management companies. As my hon. Friend pointed out, despite the fact that many have a bad reputation, they do a very good job in making sure that, when compensation is due, that compensation is paid. I have slight concerns that these claims management companies will now come under the auspices of the Financial Conduct Authority. Hon. Members will recognise that much of the work that I have done in this place has had the aim of trying to hold the banks to account for some of their worst excesses, particularly against small businesses, following the financial crash in 2008, but the regulator has seemed incapable of

doing that in many cases. Many people think that the regulator is too close to the banking sector, and I am slightly concerned that it is regulating both ends of the process.

7 pm

Debate interrupted (Programme Order, 4 September).

The Chair put forthwith the Question already proposed from the Chair (Standing Order No. 83E), That the Bill be now read the Third time.

The House divided: Ayes 294, Noes 238.

Division No. 248]

[7 pm

AYES

Adams, Nigel	Davies, Chris
Afolami, Bim	Davies, David T. C.
Afriyie, Adam	Davies, Glyn
Aldous, Peter	Davies, Philip
Allan, Lucy	Davis, rh Mr David
Allen, Heidi	Djanogly, Mr Jonathan
Amess, Sir David	Docherty, Leo
Andrew, Stuart	Dodds, rh Nigel
Argar, Edward	Donaldson, rh Sir Jeffrey
Atkins, Victoria	M.
Bacon, Mr Richard	Dorries, Ms Nadine
Badenoch, Mrs Kemi	Double, Steve
Baker, Mr Steve	Dowden, Oliver
Baldwin, Harriett	Drax, Richard
Barclay, Stephen	Duddridge, James
Baron, Mr John	Duguid, David
Bebb, Guto	Duncan Smith, rh Mr
Benyon, rh Richard	Iain
Beresford, Sir Paul	Dunne, Mr Philip
Blackman, Bob	Ellis, Michael
Blunt, Crispin	Elphicke, Charlie
Boles, Nick	Eustice, George
Bone, Mr Peter	Evans, Mr Nigel
Bottomley, Sir Peter	Evennett, rh Sir David
Bowie, Andrew	Fabricant, Michael
Bradley, Ben	Fallon, rh Sir Michael
Bradley, rh Karen	Field, rh Mark
Brereton, Jack	Ford, Vicky
Bridgen, Andrew	Foster, Kevin
Brine, Steve	Francois, rh Mr Mark
Brokenshire, rh James	Frazer, Lucy
Bruce, Fiona	Freeman, George
Buckland, Robert	Fysh, Mr Marcus
Burghart, Alex	Gale, Sir Roger
Burt, rh Alistair	Garnier, Mark
Cairns, rh Alun	Gauke, rh Mr David
Campbell, Mr Gregory	Ghani, Ms Nusrat
Cartlidge, James	Gibb, rh Nick
Cash, Sir William	Gillan, rh Dame Cheryl
Chalk, Alex	Girvan, Paul
Chishti, Rehman	Glen, John
Chope, Sir Christopher	Goldsmith, Zac
Churchill, Jo	Goodwill, rh Mr Robert
Clark, Colin	Gove, rh Michael
Clarke, rh Mr Kenneth	Graham, Luke
Clarke, Mr Simon	Grant, Bill
Cleverly, James	Grant, Mrs Helen
Clifton-Brown, Sir Geoffrey	Grayling, rh Chris
Coffey, Dr Thérèse	Green, Chris
Collins, Damian	Green, rh Damian
Costa, Alberto	Greening, rh Justine
Courts, Robert	Grieve, rh Mr Dominic
Cox, rh Mr Geoffrey	Griffiths, Andrew
Crabb, rh Stephen	Gyimah, Mr Sam
Crouch, Tracey	Hair, Kirstene

Halfon, rh Robert
Hall, Luke
Hancock, rh Matt
Hands, rh Greg
Harper, rh Mr Mark
Harrington, Richard
Harris, Rebecca
Harrison, Trudy
Hart, Simon
Hayes, rh Mr John
Heald, rh Sir Oliver
Heapey, James
Heaton-Harris, Chris
Heaton-Jones, Peter
Henderson, Gordon
Hinds, rh Damian
Hoare, Simon
Hollingbery, George
Hollinrake, Kevin
Hollobone, Mr Philip
Holloway, Adam
Howell, John
Huddleston, Nigel
Hughes, Eddie
Hunt, rh Mr Jeremy
Hurd, rh Mr Nick
Jack, Mr Alister
Jayawardena, Mr Ranil
Jenkin, Sir Bernard
Jenkyns, Andrea
Jenrick, Robert
Johnson, rh Boris
Johnson, Dr Caroline
Johnson, Gareth
Johnson, Joseph
Jones, Andrew
Jones, rh Mr David
Jones, Mr Marcus
Kawczynski, Daniel
Keegan, Gillian
Kennedy, Seema
Kerr, Stephen
Knight, rh Sir Greg
Knight, Julian
Kwarteng, Kwasi
Lamont, John
Lancaster, rh Mark
Latham, Mrs Pauline
Leadsom, rh Andrea
Lee, Dr Phillip
Lefroy, Jeremy
Leigh, Sir Edward
Letwin, rh Sir Oliver
Lewer, Andrew
Lewis, rh Brandon
Lewis, rh Dr Julian
Liddell-Grainger, Mr
Ian
Lidington, rh Mr David
Little Pengelly, Emma
Lopez, Julia
Lopresti, Jack
Lord, Mr Jonathan
Loughton, Tim
Mackinlay, Craig
Maclean, Rachel
Main, Mrs Anne
Mak, Alan
Malthouse, Kit
Mann, Scott
Masterton, Paul
Maynard, Paul

McLoughlin, rh Sir Patrick
McVey, rh Ms Esther
Menzies, Mark
Mercer, Johnny
Merriman, Huw
Metcalfe, Stephen
Miller, rh Mrs Maria
Milling, Amanda
Mills, Nigel
Milton, rh Anne
Mitchell, rh Mr Andrew
Moore, Damien
Mordaunt, rh Penny
Morris, Anne Marie
Morris, David
Morris, James
Morton, Wendy
Mundell, rh David
Murray, Mrs Sheryll
Murrison, Dr Andrew
Neill, Robert
Newton, Sarah
Nokes, rh Caroline
Norman, Jesse
O'Brien, Neil
Offord, Dr Matthew
Opperman, Guy
Parish, Neil
Paterson, rh Mr
Owen
Pawsey, Mark
Percy, Andrew
Perry, rh Claire
Philp, Chris
Pincher, Christopher
Poulter, Dr Dan
Pow, Rebecca
Prentis, Victoria
Prisk, Mr Mark
Pursglove, Tom
Quin, Jeremy
Quince, Will
Raab, rh Dominic
Redwood, rh John
Rees-Mogg, Mr Jacob
Robertson, Mr Laurence
Robinson, Gavin
Robinson, Mary
Rosindell, Andrew
Ross, Douglas
Rowley, Lee
Rudd, rh Amber
Rutley, David
Sandbach, Antoinette
Scully, Paul
Seely, Mr Bob
Selous, Andrew
Shannon, Jim
Shapps, rh Grant
Sharma, Alok
Simpson, David
Simpson, rh Mr
Keith
Skidmore, Chris
Smith, Chloe
Smith, Henry
Smith, rh Julian
Smith, Royston
Soames, rh Sir Nicholas
Soubry, rh Anna
Spelman, rh Dame Caroline
Spencer, Mark

Stephenson, Andrew
Stevenson, John
Stewart, Bob
Stewart, Iain
Stewart, Rory
Streeter, Mr Gary
Stride, rh Mel
Stuart, Graham
Sturdy, Julian
Sunak, Rishi
Swayne, rh Sir Desmond
Swire, rh Sir Hugo
Syms, Sir Robert
Thomas, Derek
Thomson, Ross
Throup, Maggie
Tolhurst, Kelly
Tomlinson, Justin
Tomlinson, Michael
Tracey, Craig
Tredinnick, David
Trevelyan, Mrs Anne-Marie
Truss, rh Elizabeth
Tugendhat, Tom
Vaizey, rh Mr Edward

Vara, Mr Shailesh
Vickers, Martin
Villiers, rh Theresa
Walker, Mr Charles
Wallace, rh Mr Ben
Warburton, David
Warman, Matt
Watling, Giles
Whately, Helen
Wheeler, Mrs Heather
Whittaker, Craig
Whittingdale, rh Mr
John
Wiggin, Bill
Williamson, rh Gavin
Wilson, rh Sammy
Wollaston, Dr Sarah
Wood, Mike
Wragg, Mr William
Wright, rh Jeremy
Zahawi, Nadhim

Tellers for the Ayes:
Michelle Donelan and
Mims Davies

NOES

Abbott, rh Ms Diane
Abrahams, Debbie
Ali, Rushanara
Allin-Khan, Dr Rosena
Amesbury, Mike
Antoniazzi, Tonia
Ashworth, Jonathan
Austin, Ian
Bailey, Mr Adrian
Barron, rh Sir Kevin
Beckett, rh Margaret
Benn, rh Hilary
Berger, Luciana
Betts, Mr Clive
Blackman-Woods, Dr
Roberta
Blomfield, Paul
Brabin, Tracy
Bradshaw, rh Mr Ben
Brown, Lyn
Brown, rh Mr Nicholas
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Richard
Butler, Dawn
Byrne, rh Liam
Cable, rh Sir Vince
Cadbury, Ruth
Campbell, rh Mr Alan
Campbell, Mr Ronnie
Carden, Dan
Champion, Sarah
Chapman, Jenny
Charalambous, Bambos
Coaker, Vernon
Cooper, Julie
Cooper, Rosie
Cooper, rh Yvette
Coyle, Neil
Crausby, Sir David
Creagh, Mary
Creasy, Stella
Cruddas, Jon
Cryer, John
Cummins, Judith
Cunningham, Alex
Cunningham, Mr Jim
Daby, Janet
Dakin, Nic
Davey, rh Sir Edward
David, Wayne
De Cordova, Marsha
De Piero, Gloria
Debbonaire, Thangam
Dent Coad, Emma
Dodds, Anneliese
Doughty, Stephen
Dowd, Peter
Dromey, Jack
Duffield, Rosie
Eagle, Ms Angela
Eagle, Maria
Edwards, Jonathan
Efford, Clive
Elliott, Julie
Ellman, Dame Louise
Elmore, Chris
Esterson, Bill
Evans, Chris
Farrelly, Paul
Farron, Tim
Field, rh Frank
Fitzpatrick, Jim
Fletcher, Colleen
Flint, rh Caroline
Fovargue, Yvonne
Foxcroft, Vicky
Frith, James
Furniss, Gill
Gardiner, Barry
George, Ruth
Gill, Preet Kaur
Glendon, Mary
Godsiff, Mr Roger
Goodman, Helen
Green, Kate
Greenwood, Lilian

Greenwood, Margaret
 Griffith, Nia
 Grogan, John
 Gwynne, Andrew
 Haigh, Louise
 Hamilton, Fabian
 Hanson, rh David
 Hardy, Emma
 Harman, rh Ms Harriet
 Harris, Carolyn
 Hayes, Helen
 Hayman, Sue
 Healey, rh John
 Hendrick, Sir Mark
 Hepburn, Mr Stephen
 Hermon, Lady
 Hill, Mike
 Hillier, Meg
 Hobhouse, Wera
 Hodge, rh Dame Margaret
 Hodgson, Mrs Sharon
 Hollern, Kate
 Hopkins, Kelvin
 Howarth, rh Mr George
 Huq, Dr Rupa
 Johnson, Diana
 Jones, Darren
 Jones, Gerald
 Jones, Graham P.
 Jones, rh Mr Kevan
 Jones, Sarah
 Jones, Susan Elan
 Kane, Mike
 Keeley, Barbara
 Khan, Afzal
 Killen, Ged
 Kinnock, Stephen
 Kyle, Peter
 Laird, Lesley
 Lake, Ben
 Lammy, rh Mr David
 Lavery, Ian
 Lee, Karen
 Leslie, Mr Chris
 Lewis, Clive
 Lewis, Mr Ivan
 Lloyd, Stephen
 Lloyd, Tony
 Long Bailey, Rebecca
 Lucas, Caroline
 Lucas, Ian C.
 Madders, Justin
 Mahmood, Mr Khalid
 Mahmood, Shabana
 Malhotra, Seema
 Mann, John
 Marsden, Gordon
 Martin, Sandy
 Maskell, Rachael
 Matheson, Christian
 McCabe, Steve
 McCarthy, Kerry
 McDonagh, Siobhain
 McDonald, Andy
 McFadden, rh Mr Pat
 McGinn, Conor
 McGovern, Alison
 McInnes, Liz
 McKinnell, Catherine
 McMahon, Jim
 McMorris, Anna
 Mearns, Ian

Miliband, rh Edward
 Moon, Mrs Madeleine
 Moran, Layla
 Morden, Jessica
 Morgan, Stephen
 Morris, Grahame
 Murray, Ian
 Nandy, Lisa
 Norris, Alex
 O'Mara, Jared
 Onasanya, Fiona
 Onn, Melanie
 Onwurah, Chi
 Osamor, Kate
 Owen, Albert
 Pearce, Teresa
 Pennycook, Matthew
 Perkins, Toby
 Phillips, Jess
 Platt, Jo
 Pollard, Luke
 Pound, Stephen
 Rashid, Faisal
 Rayner, Angela
 Reed, Mr Steve
 Rees, Christina
 Reeves, Ellie
 Reynolds, Emma
 Reynolds, Jonathan
 Rimmer, Ms Marie
 Rodda, Matt
 Rowley, Danielle
 Ruane, Chris
 Russell-Moyle, Lloyd
 Ryan, rh Joan
 Saville Roberts, Liz
 Shah, Naz
 Sheerman, Mr Barry
 Sherrieff, Paula
 Siddiq, Tulip
 Skinner, Mr Dennis
 Slaughter, Andy
 Smeeth, Ruth
 Smith, Angela
 Smith, Eleanor
 Smith, Laura
 Smith, Nick
 Smith, Owen
 Smyth, Karin
 Snell, Gareth
 Sobel, Alex
 Spellar, rh John
 Starmer, rh Keir
 Stevens, Jo
 Streeting, Wes
 Sweeney, Mr Paul
 Tami, Mark
 Thomas, Gareth
 Thomas-Symonds, Nick
 Thornberry, rh Emily
 Timms, rh Stephen
 Trickett, Jon
 Turley, Anna
 Turner, Karl
 Twigg, Stephen
 Twist, Liz
 Vaz, Valerie
 Walker, Thelma
 Watson, Tom
 West, Catherine
 Western, Matt
 Whitehead, Dr Alan

Whitfield, Martin
 Williams, Hywel
 Williams, Dr Paul
 Williamson, Chris
 Wilson, Phil

Yasin, Mohammad
 Zeichner, Daniel

Tellers for the Noes:
 Stephanie Peacock and
 Jeff Smith

Question accordingly agreed to.

Bill read the Third time and passed, with amendments.

Business without Debate

DELEGATED LEGISLATION

Mr Speaker: We come now to a number of motions that would, if objected to, be subject to the deferred Division procedure. I would like to take motion 3 first, and on its own.

Motion made, and Question put forthwith (Standing Order No. 118(6)),

ELECTRICITY

That the draft Electricity and Gas (Energy Company Obligation) Order 2018, which was laid before this House on 19 July, be approved.—(*Iain Stewart.*)

The Speaker's opinion as to the decision of the Question being challenged, the Division was deferred until Wednesday 24 October (Standing Order No. 41A).

Mr Speaker: With the leave of the House, I propose to take motions 4 to 8 together.

Motion made, and Question put forthwith (Standing Order No. 118(6)),

EXITING THE EUROPEAN UNION (FEES AND CHARGES)

That the draft Department for Transport (Fees) (Amendment) (EU Exit) Regulations 2018, which were laid before this House on 19 July, be approved.

LOCAL GOVERNMENT

That the draft Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018, which was laid before this House on 4 September, be approved.

ARMED FORCES

That the draft Armed Forces (Terms of Service) (Amendments Relating to Flexible Working) Regulations 2018, which were laid before this House on 18 July, be approved.

EXITING THE EUROPEAN UNION (CIVIL AVIATION)

That the draft Civil Aviation (Insurance) (Amendment) (EU Exit) Regulations 2018, which were laid before this House on 23 July, be approved.

EXITING THE EUROPEAN UNION (MERCHANT SHIPPING)

That the draft Merchant Shipping (Monitoring, Reporting and Verification of Carbon Dioxide Emissions) (Amendment) (EU Exit) Regulations 2018, which were laid before this House on 23 July, be approved.—(*Iain Stewart.*)

Question agreed to.

Mr Speaker: We come to motion 9. Not moved.

SITTING IN WESTMINSTER HALL (29 OCTOBER)

Ordered,

That, notwithstanding the provisions of Standing Order No 10(1)(a), the sitting in Westminster Hall on Monday 29 October shall begin at 5.30 pm and may then continue for up to three hours.—(*Iain Stewart.*)

DELEGATED LEGISLATION (COMMITTEES)

Ordered,

That the motion in the name of Andrea Leadsom relating to the Electoral Commission be referred to a Delegated Legislation Committee.—(*Iain Stewart.*)

Sir Edward Leigh (Gainsborough) (Con): On a point of order, Mr Speaker. I notice that the Government decided not to move motion 9 on time limits on speeches. I was ready to object to it, despite being a member of the Procedure Committee, because I think that it affects intimately the life of many Members of Parliament.

I want to get your advice, Mr Speaker, which is why I think this is a genuine point of order. If I had simply objected to the motion, presumably there would have been a deferred Division, but what I would really like is a debate, because I think that Members are very interested in time limits on speeches. How can we get a debate about this on the Floor of the House?

Mr Speaker: Repeated objection could secure the outcome that the hon. Gentleman seeks. I should just say, for the purposes of clarification, that the motion in question was not deferrable. If memory serves me correctly, motions 3 to 8 were potentially deferrable, but motion 9, which excited the hon. Gentleman to the point that he wished to argue against it and which was not moved by the Government, was not a motion subject to a deferred Division. It was what is known in the trade—not least by our previously bewigged friends who advise the Chair—as a “nod or nothing”, which means that it proceeds on the basis that nobody objects to it, but if somebody objects to it, it does not proceed. If it comes forward on the same basis again and the hon. Gentleman objects—and possibly even without it coming forward on that basis again—time could well be found for a debate. At that point, he would be able to explain, doubtless eloquently and possibly at length, why he was opposed to it. I hope that that is helpful to him, and when he repairs home, he can tell Lady Leigh all about it.

PETITIONS

Green Deal Scheme

7.19 pm

Patricia Gibson (North Ayrshire and Arran) (SNP): I rise to present this petition on the green deal scheme on behalf of the residents of North Ayrshire and Arran. It involves the Government-backed scheme called Home Energy and Lifestyle Management Systems, or HELMS.

The petition states:

The petition of the residents of North Ayrshire and Arran,

Declares that the Government backed Green Deal Scheme has affected petitioners as we have suffered a detriment both to our finances, our private and family lives; further that many vulnerable residents have invested their life savings in good faith, and others have accrued up to £17,000 in debt to pay for the work that was carried out; and further that in many cases the installer did not

apply for building warrants and as a result we are unable to sell our properties or have the assurance that they are safe to live in, or can be insured.

The petitioners therefore urge the House of Commons to ensure that the Government will compensate and protect people who have found themselves suffering a detriment because of the Government backed Scheme, and take steps to ensure that this cannot happen in the future.

And the petitioners remain, etc.

[P002272]

Alan Brown (Kilmarnock and Loudoun) (SNP): I rise to present this petition on behalf of my constituents in Kilmarnock and Loudoun who have been affected by a combination of green deal mis-selling with the company HELMS and the lack of intervention by and the general failed policy of the UK Government. These constituents have been left paying more in their bills than they would otherwise have had to pay. Some have had feed-in tariffs fraudulently transferred. They have been left without building warrants and left to pay increased statutory fees. They have been left with loans of up to 25 years for photovoltaic panels that actually have a shorter lifespan than the 25-year loan, and they have been left with debt accrued against their properties, which in some cases they cannot sell or even insure.

The petition states:

The petitioners therefore urge the House of Commons to ensure that the Government will compensate and protect people who have found themselves suffering a detriment because of the Government backed Scheme, and take steps to ensure that this cannot happen in the future.

Following is the full text of the petition:

[The petition of residents of Kilmarnock and Loudoun,

Declares that the Government backed Green Deal Scheme has affected petitioners as we have suffered a detriment both to our finances, our private and family lives; further that many vulnerable residents have invested their life savings in good faith, and others have accrued up to £17,000 in debt to pay for the work that was carried out; and further that in many cases the installer did not apply for building warrants and as a result we are unable to sell our properties or have the assurance that they are safe to live in, or can be insured.

The petitioners therefore urge the House of Commons to ensure that the Government will compensate and protect people who have found themselves suffering a detriment because of the Government backed Scheme, and take steps to ensure that this cannot happen in the future.

And the petitioners remain, etc.]

[P002271]

Bredbury Parkway Industrial Estate Extension

7.22 pm

Andrew Gwynne (Denton and Reddish) (Lab): I did not want to throw you, Mr Deputy Speaker, by being in my old place, but it is nice to be back up here on the Back Benches for a temporary period.

I rise to present a petition on behalf of my constituents opposing proposals to extend the Bredbury Parkway industrial estate in the Tame valley, Greater Manchester. I am grateful to the hon. Member for Hazel Grove (Mr Wragg) for being in the Chamber to present the same petition from his constituents. This shows the

value of this green space to both our constituencies. I thank the residents of Denton and Reddish—a total of 1,440 residents in all—who have signed this petition online and in writing.

The petition declares:

The petition of residents of the United Kingdom,

Declares that proposals to extend the Bredbury Parkway Industrial Estate deep into the Tame Valley would involve large-scale developments on the Green Belt land, which is a valuable barrier to urban sprawl and is hugely valued by local people, particularly in the areas of Bredbury, Woodley, Denton and Tameside; further declares that this development would destroy the openness of this section of the Tame Valley and damage the visual amenity from the Haughton Dale and Hulme's Wood Local Nature Reserves; further declare concerns over HGV traffic in the area and the impact that the proposals would have on an already congested Stockport Road and Ashton Road, and the associated effects on the environment.

The petitioners oppose plans to extend the Bredbury Parkway Industrial Estate. The petitioners therefore request that the House of Commons urges the Greater Manchester Combined Authority, Stockport Metropolitan Borough Council, Tameside Council and the Department for Communities and Local Government not to support the extension of the Bredbury Parkway Industrial Estate; and to further urge that the Greater Manchester Spatial Framework (GMSF) must follow principles of a 'Brownfield First' strategy, so that previously developed land, including derelict or unused sites, must be fully considered before Green Belt is released for development.

And the petitioners remain, etc.

[P002273]

Mr William Wragg (Hazel Grove) (Con): I rise to present a petition in similar terms to that presented by my constituency neighbour, the hon. Member for Denton and Reddish (Andrew Gwynne). It has been a pleasure to work with him—he and I are equally committed to the green belt in Stockport and Tameside respectively

and wish to encourage a brownfield-first policy. This petition, to protect green-belt land near the Bredbury industrial estate, is added to the similar petitions signed by thousands of my constituents demanding that the Greater Manchester spatial framework is radically redrawn. It is a pleasure for me to present it on behalf of my constituents.

Following is the full text of the petition:

[The petition of residents of the United Kingdom,

Declares that proposals to extend the Bredbury Parkway Industrial Estate deep into the Tame Valley would involve large-scale developments on the Green Belt land, which is a valuable barrier to urban sprawl and is hugely valued by local people, particularly in the areas of Bredbury, Woodley, Denton and Tameside; further declares that this development would destroy the openness of this section of the Tame Valley and damage the visual amenity from the Haughton Dale and Hulme's Wood Local Nature Reserves; further declare concerns over HGV traffic in the area and the impact that the proposals would have on an already congested Stockport Road and Ashton Road, and the associated effects on the environment.

The petitioners oppose plans to extend the Bredbury Parkway Industrial Estate. The petitioners therefore request that the House of Commons urges the Greater Manchester Combined Authority, Stockport Metropolitan Borough Council, Tameside Council and the Department for Communities and Local Government no to support the extension of the Bredbury Parkway Industrial Estate; and to further urge that the Greater Manchester Spatial Framework (GMSF) must follow principles of a 'Brownfield First' strategy, so that previously developed land, including derelict or unused sites, must be fully considered before Green Belt is released for development.

And the petitioners remain, etc.]

[P002274]

Elder Abuse

Motion made, and Question proposed, That this House do now adjourn.—(*Iain Stewart.*)

7.26 pm

Giles Watling (Clacton) (Con): It is a pleasure to see you in the Chair for my first Adjournment debate, Mr Deputy Speaker, as you were for my maiden speech. Long may this tradition continue.

I want to raise the increasingly important issue of elder abuse, a terrible and perhaps poorly understood crime. At its heart is the trust that an older person may rightly expect to establish with another person for reasons of care, but sadly that trust is frequently violated, leading to physical, financial, psychological and even sexual abuse and to some deeply troubling outcomes for victims.

I want to express my disappointment that, to my mind at least, the issue is too often overlooked at national level. Here in Parliament there have been only a handful of mentions of elder abuse in recent years, even though it is a real and growing problem that can occur in an institutional care setting or a private home. Despite elder abuse being such a widespread concern, it does not dominate our discourse in the way that such a despicable act should. That is disappointing, and perhaps some newspapers are right when they accuse us here in Parliament of marginalising a forgotten generation.

Mr Jim Cunningham (Coventry South) (Lab): I congratulate the hon. Gentleman on securing the debate. I am sure he is aware as I am that families have often had to hide cameras in care homes to film the abuse going on there—we have seen documentaries about that. I agree with him that something should be done about the problem, because elderly people have made a major contribution to this country. Does he agree that there should be better training and better pay for carers, and that the law should be tightened up?

Giles Watling: I agree that there should be financial support, and I also agree about CCTV—I shall come on to those points a little later.

We clearly have a lot to make up for in Parliament, and I hope that today's debate will prompt some constructive action and, at the very least, go some way towards raising awareness at national level.

Rachael Maskell (York Central) (Lab/Co-op): The hon. Gentleman is absolutely right about the need to raise the issue. I, too, have had constituents who have experienced elder abuse. As people grow older they become more isolated, so the risk of abuse increases. Does he agree that safeguarding adults boards should have a specific focus on older people, and should assess the risk to them and come up with prevention plans?

Giles Watling: I could not agree more. Those boards should have a key role in ensuring that our older people are safe and secure—that is what this is all about.

I am the MP for a constituency where more than 32% of residents are aged over 65—including me, incidentally. That is the highest percentage of any constituency in the country, so it is hardly surprising that I am leading this debate.

John Howell (Henley) (Con): I thank my hon. Friend kindly for giving way; he is being very generous. He is portraying this as a British problem, but does he agree that it is not just a British problem? The World Health Organisation has published material that shows that this is happening all around the world. It is a generational problem that we have to deal with, as he rightly points out.

Giles Watling: I absolutely take my hon. Friend's point that this happens all over the world, but we must clean up our own act first and make sure that we are far ahead of the game, as far as the rest of the world is concerned. Where we lead, others follow.

Jim Shannon (Strangford) (DUP): I congratulate the hon. Gentleman on securing the debate. Each of us in the House tonight has experience of this issue from our constituencies and it is very important. We are absolutely disgusted by the abuse of elderly people in homes across the UK. Is he aware of the recent poll by the charity Action on Elder Abuse, which found that nearly one in 10 older people had experienced serious physical, mental or financial abuse in homes? That would indicate that 23,000 older people have been affected in Northern Ireland and nearly 1 million across the UK. Does he agree that one way of tackling this is to ensure that adequate safeguarding is in place, for example, in care homes, to ensure that older people do not suffer at the hands of those who are there to care for and not abuse them?

Giles Watling: I could not agree more, and I have seen those statistics. We have to remember that this happens not only in care homes, but in private homes where carers come to look after elderly people.

I must admit that since my election last year, elder abuse has not been as prominent in my mind as perhaps it should have been. In fact, it was a meeting with some of our local pensioners who formed the very good group TenPAG—the Tendring Pensioners' Action Group—in August this year that made me fully appreciate the need to tackle this problem. Having gone away from that meeting and investigated the matter further, I was deeply disturbed by what I found. As the hon. Gentleman pointed out, the statistics are truly shocking. There are 1 million victims of elder abuse every year in the UK, but here is another statistic: only 0.3% of the reported incidents result in a successful criminal conviction. That is not good enough. Convicted abusers often escape with flimsy sentences and trivial fines.

Robert Courts (Witney) (Con): My hon. Friend is making a powerful speech and being generous with his time, which I appreciate is limited. I have also had experience of constituents raising such matters, and particularly financial abuse of the elderly. To declare an interest, I also used to prosecute for Oxfordshire trading standards and came across many people who had been abused in that sense.

There is one category that my hon. Friend has not mentioned: sometimes in their own homes, people can be befriended by strangers for the precise purpose of exploiting and abusing them. Does he condemn that as much as I do—I am sure he does—and will he commend and encourage the volunteer support groups who do so much to ensure that people are not isolated and that such problems are uncovered?

Giles Watling: Absolutely, and I thank my hon. Friend for his intervention. I could not agree more that elder abuse in people's homes is, in some way, even more chilling, and I will come to that shortly.

This is not just an appalling failure of justice; the lax approach to punishment fails to deter would-be abusers, who see older people as a soft target, as my hon. Friend pointed out. We must do more to protect older people. We would not fail the victims of child, domestic or sexual abuse in this way, so why are we seemingly happy to fail the victims of elder abuse? Why are we happy for there to be a lower conviction rate for the abuse of older people than for racially motivated crimes, homophobic or transphobic crimes, domestic abuse and disability hate crime? It is simply unacceptable, and I propose that we put elder abuse in its own category in line with these other appalling crimes to improve the justice outcome for victims.

As we have said, elder abuse can take place in a care setting or in a private home, and chillingly the abuser is often well known to the person being abused. They may be a partner, a child or relative, a friend or neighbour, a care worker, a health or social worker or another professional. Older people may even be abused by the person who cares for them—that sounds like an oxymoron, but there it is—and this abuse is potentially very easy to carry out. I remember being put in charge of my late mother's affairs following the death of my father. I was astonished at the sweeping powers that the enduring power of attorney gave me—powers that could so easily be abused. Fortunately, my mother had a devoted son who saw her live out her days in comfort and security, but sadly that is not always the case, and when that trust is abused the penalties should be severe.

Abuse can be perpetrated anywhere and by anyone, and that has led to some truly awful situations. In Sussex recently, £10 million was stolen from vulnerable fraud victims in just one year. Some 89% of the victims were aged over 60 and 63% were living alone. In Cheshire, as we all may recall, care home workers were filmed abusing an elderly, blind dementia victim. Those abusers were spared jail, despite the public outcry. In Cambridgeshire, a pensioner aged 105 was assaulted—the oldest known victim of elder abuse so far. These incidents, all of which have taken place within the last 18 months, should never have occurred, and I feel for those people who have had to live through these harrowing experiences in what are supposed to be the golden years of their lives. These are people who have done so much to make our country what it is today.

I wish it were not so, but in Clacton we are not immune to these crimes either. In 2016, a resident in my constituency was defrauded out of £57,000 by his carer, who was sentenced to just 15 months in prison, and in 2013, 16 people were arrested for financially abusing 39 people. All the victims were from the Clacton area and were aged between 65 and 99. I have no doubt that many colleagues will have similar stories in their own constituencies.

I also have no doubt that colleagues will have heard about abusive situations in care homes. Unfortunately, these incidents are becoming more common. In fact, researchers at University College London found that 99% of carers across 92 care homes had witnessed or taken part in troubling behaviour. That is an appalling statistic. It is absolutely shocking and a good enough reason, I think, to install CCTV cameras in communal

areas. I know that my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve) is pushing for that outcome, and I give him my full support.

We would be naive to think, however, that elder abuse only occurs in the care home. As we have said, it can be just as common when care is taking place in the home, where standards can slip, corners can be cut and monitoring can become a side issue, thanks to pressures that mean keeping the system going becomes more important than safeguarding. Domiciliary care, or care in the home, is our most common and important form of care, and we need urgently to address long-term social care funding issues in this sector before we see quality suffer.

One way to do that is to secure the future of the adult social care precept, which has been temporarily lifted over the past three years to allow councils to raise additional funds. In my view, that is a good thing. I hope, then, to see the adult social care precept become a permanent resource for local councils, not just to give a funding boost, but to provide a clear long-term funding model outside of general council tax. However, although I am pleased that the Government have also announced a £240 million increase in this sector, I would also point out that it is not just about money.

To make that point further, I should mention Guide at Broomfield, a nursing home in Braintree. It decided to close earlier this year and attributed that closure to financial difficulty. If one consults the Care Quality Commission report, however, one will see that the home's basic failings had nothing to do with funding. Residents were being left in soiled clothing, and that is a basic standard failing, not a financial one. We could compare that with Beaumont House in Walton-on-the-Naze, in my constituency, which I had the pleasure of visiting recently. It is like a five-star hotel, with all the comforts of a house, where guests are treated like human beings, not just clients. It is not a bad place. I thought I would go there once the good people of Clacton were done with me.

I have no doubt that funding is important, but no amount of money will make up for poor standards, and if we are really to really elder abuse, we need to talk about, and rigorously maintain, standards within the adult social care sector. I was interested to read the suggestion from Age UK about how national guidance should be developed on how conversations about abuse can be started and effectively supported by family members, professionals and the older people themselves. I would certainly back this proposal, and I hope the Minister will meet with Age UK to discuss it. I would also like a statutory definition of a crime against an older person and specific elder-protecting legislation to be introduced, as neither currently exists.

What I really want, however, is to see elder abuse become an aggravated offence, although in calling for that change I recognise the steps that the Government have taken to tackle it. For instance, in 2015 domestic abuse and coercive and controlling behaviour became specific offences under the Serious Crime Act. In the same year, a wilful neglect offence was introduced under the Criminal Justice and Courts Act, so there is now criminal liability when a person has been placed under the care of a medical professional. According to the Government's impact assessment, the new offence was designed to

“ensure that those responsible for the worst failures in care can be held accountable”,

[Giles Watling]

and to

“act as a deterrent, moderating the conduct of individuals who might otherwise be disposed to behave in ways that would constitute an offence.”

Those are laudable aims, but that has not happened. Perpetrators are not being held to account with firm punishments, and the new offence has failed to prevent any further abuses in care. The example from Cheshire that I gave earlier, and the research carried out by UCL, both took place after its introduction. What is more, the new wilful neglect offence, by its very nature, fails to prevent the abuse of older people who are living in their own homes outside a traditional care setting. They are the forgotten victims of elder abuse, and we must not forget them as we seek to address this issue. To protect those who are still living in their own homes, as well as older people in care who may be vulnerable, we must introduce a new offence that punishes elder abuse properly, regardless of its location. Making elder abuse an aggravated offence will do that, which means that there will be harsher sentences for perpetrators.

A mandatory sentencing uplift is already in place for hate crimes motivated by prejudice based on someone's race, sexual orientation, religion, or disability. I ask, quite simply, why not age? An anomaly in the law needs to be addressed, and that is a change that we can deliver now. As part of the Government's efforts to update the hate crime action plan, the Law Commission is currently undertaking a review of hate crime legislation, and I am sending it a letter today. The Government have committed themselves to acting on the commission's specific proposals, and during the review it will consider whether to make elder abuse an aggravated offence. I hope that it, and the Government, will agree with me that this change is needed now.

7.42 pm

The Parliamentary Under-Secretary of State for the Home Department (Victoria Atkins): Thank you for calling me, Sir Deputy Speaker! I did not have a chance to say that the other day.

I congratulate my hon. Friend the Member for Clacton (Giles Watling) on securing a debate on a matter that is of immense importance to all of us. He has done a great deal to represent his constituents in relation to policing and community safety issues. I understand that a further 12 officers will be sworn in soon in Tendring district, and I thank him for the important contribution that he is making to the House in this regard.

No older person in the United Kingdom should have to suffer abuse or exploitation at the hands of those who prey on the vulnerable. Criminals should not have the opportunity to target the elderly, but those who do should know that they will not get away with it. Older people should not have to fear being targeted, but those who are should receive the right support. It is a fundamental Government responsibility to keep people safe, and never does that responsibility carry greater weight than when it comes to protecting the most vulnerable in our society. That is why the Government take a multi-pronged approach to tackling this issue, working with local government, the police, and the private and voluntary sectors.

First, we need to ensure that we have the right legislative powers to deter and tackle criminals who target the elderly. Secondly, we need to ensure that all older people are connected to the fabric of society. While society as a whole becomes ever more interconnected, older people across the country still suffer loneliness and social isolation—themes that my hon. Friend drew out so cogently. Thirdly, when older people do suffer abuse, we need to ensure that the justice system treats them appropriately, and that they have ready access to the right support.

Rachael Maskell: The all-party parliamentary group for ageing and older people carried out an inquiry recently with a view to establishing a commission for the rights of older people, so that they can have a voice and an agency in society. Would the Minister support such a proposal?

Victoria Atkins: I am most interested to hear of that work by the all-party group. If plans are drawn up, I will of course look at them with great care, as will other Ministers across Government who have responsibility for helping to look after older people, because although I am answering as Home Office Minister, clearly this issue has huge impact across the Department of Health and Social Care, the Ministry of Housing, Communities and Local Government and other Departments.

Under current hate crime legislation, targeting an elderly person because they are vulnerable is already an aggravating factor in sentencing. The sentencing guidelines make it clear that these offences should result in a more severe sentence, but we want to look at whether this goes far enough. Last week, we launched the Government's refreshed hate crime action plan, and as part of that have asked the Law Commission to carry out an independent and wide-ranging review of hate crime legislation. The review will explore whether current legislation is effective and if new hate crime strands should be introduced, such as crimes against the elderly. While we would not wish to prejudge the outcomes of the review, we will study the findings with great interest and will not hesitate to act if there are ways to improve our response. While these are complex issues that deserve proper consideration, all crimes against the elderly are utterly unacceptable, and we will always treat them as such.

But there is more to tackling abuse against older people than making sure we have appropriate legislation in place. Last week the Prime Minister announced the Government's new loneliness strategy—with cross-party support, I hasten to add. Some 200,000 older people have not had a conversation with a friend or relative in more than a month. Loneliness is linked to a range of damaging health impacts such as heart disease, stroke and Alzheimer's, and lonely people are more likely to visit a GP or A&E.

Loneliness can cause people to feel detached from their neighbours and neighbourhoods, which may increase their vulnerability to becoming victims of crime, and then being even further isolated if they fall victim to crime. As part of the Home Office's contribution to the loneliness strategy, we are working with Royal Mail, local authorities and other partners to trial a scheme called “safe and connected”. This involves post workers checking on vulnerable older people twice a week, and

reporting any problems to local authorities and voluntary sector organisations. We are investing over £450,000 in this scheme this year, and we are delighted that it has already been rolled out in New Malden, Liverpool and Whitby.

We know, however, that those who are isolated might be more likely to be victims of fraud, and, likewise, being a victim of fraud itself can be an isolating experience. We have therefore also provided support to National Trading Standards for the expansion of its scam marshals scheme. Scam marshals share their own experiences, help others to report and recognise scams, and send any scam mail to the National Trading Standards scam team so it can be used in future investigations and trials.

It is also important to ensure that when older people are victims of abuse and exploitation, the justice system treats them appropriately and they have ready access to the right support services. My hon. Friend the Member for Clacton mentioned the ability of older people, perhaps those suffering from dementia, to give evidence in trials. I used to prosecute fraud, and some cases involved fraud committed against the NHS or social care. One of our greatest difficulties was in getting statements from elderly people who perhaps lacked legal capacity because of their conditions; without their evidence it is difficult to prove cases. We have asked Her Majesty's inspectorate of constabulary and fire and rescue services to lead a joint thematic inspection into older people's experience of the justice system. We will be looking closely at the findings and what we might do to make improvements.

Understandably, Members raised the issue of care, and one Member asked whether the care of elderly people could be included in the safeguarding adults boards. I am told that their purpose is to help and safeguard adults with care and support needs, which includes older people as well.

Through the skills for care programme, which is a piece of work by the Department of Health and Social Care, we are looking to provide services with help and guidance on recruiting people with the right values and skills, and implementing a care certificate for frontline staff to ensure that older and vulnerable people receive the high quality care that they need. In addition, the Government have introduced a fit and proper person test to hold directors to account for care, and brought in new criminal offences of ill treatment and wilful neglect by care workers.

My hon. Friend the Member for Clacton mentioned domestic abuse, and he will know that the Government are hoping to introduce a landmark piece of draft legislation on that by the end of this year. Through my work on that Bill, I have learned, sadly, that domestic abuse can be committed against older people in the home, sometimes by carers, sometimes by members of their own family and, on occasion, by their own children. It is particularly difficult for parents to admit to people outside the family circle that they are victims of abuse at the hands of their children.

We have funded specific services to provide targeted support to hard-to-reach groups, and this is something that we will be looking at carefully across the House during the passage of the Bill. For example, we have provided funding to a charity called Jacksons Lane in north London to engage older people in community-based activities in order to increase their understanding of wellbeing, harassment and domestic abuse and of the support services available to tackle these issues. When it comes to the most heinous crimes against older people, such as domestic and sexual violence, we are determined to ensure that victims get the right support. We know that elderly people can face particular challenges in disclosing abuse, and we are looking at options to provide them with more support, through the draft domestic abuse Bill and through a package of non-legislative measures.

In whatever form abuse takes place, we are working to ensure that we have the right levers in place to protect older people, and that they have access to the right support when they need it. I am extremely grateful to my hon. Friend for raising the important issue of how we can better protect older people from abuse, and of course we are always open to new ideas and suggestions, and to new circumstances of abuse being brought to our attention. We will continue to look for innovative ways for national and local government, agencies and charities to support the services that help older people to protect themselves from, and recover from, all forms of abuse.

Question put and agreed to.

7.52 pm

House adjourned.

Westminster Hall

Tuesday 23 October 2018

[MR LAURENCE ROBERTSON *in the Chair*]

HELMS and the Green Deal

9.30 am

Gavin Newlands (Paisley and Renfrewshire North) (SNP): I beg to move,

That this House has considered home energy and lifestyle management systems and the Green Deal.

It is a pleasure to see you in the Chair, Mr Robertson. Before I start, I should apologise to you and those present: this morning's speech will be brought to you by Halls Soothers—although other sweets are available—so if I start coughing, please bear with me.

With winter approaching, the extra cost of heating a home will be a concern not only for income-poor families but for many of the Prime Minister's "just about managing" families. Fuel poverty is still a reality for far too many in society. Unfortunately, many of those households live in energy-inefficient homes. That fact, combined with stagnant incomes and the impact of the Government's austerity measures, leaves some households vulnerable to increasingly unaffordable energy bills.

To compound that, hundreds of my constituents now have unaffordable and hugely inflated bills thanks to the UK Government's bungled green deal scheme. The green deal was a flagship scheme intended to give homeowners access to cheap loans to modify and improve home energy efficiency. The loans were to be paid back through monthly energy bills, which were to be cheaper due to the green investment made in people's homes. That credit, however, was often sold as grant funding to confuse consumers.

The fundamental rule, or "golden rule" as it is known, was and is that the savings on bills should always be equal to or greater than the cost of the work. The idea was that consumers would be able to receive energy improvements in effect for free, reducing energy consumption and breaking free from spiralling energy bills. Not only would the house save money and have a lower carbon footprint but, it was hoped, such schemes would reduce carbon production throughout the country, helping to achieve the Government's carbon reduction targets.

A scheme that empowers households to get out of fuel poverty and have warmer homes is always welcome, but for far too many this scheme failed, and failed utterly. The Government's ambitious aims looked good on paper, but they fell well short and, as the result of a weak and ill-conceived framework, families were left far worse off. Rather than "pay as you save", constituents were left paying more and saving nothing or, in far too many cases, actually footing the bill for fraud. Investment in energy savings should be a national priority, and I think that everyone across the House would agree that we need to meet fuel poverty targets and reduce carbon dioxide emissions, but elements of the scheme were so badly designed and involved such ineffective regulation that for many it became a nightmare.

I should point out, before the Minister does in her summing up, that plenty of businesses and providers did not abuse the system, with the result that many consumers benefited from the scheme, as was originally envisaged. The green deal, however, was allowed to be abused by criminals who preyed on and exploited households, many of them vulnerable. Ultimately, regardless of one's politics or trust in any Government, no one thinks they are about to be scammed when a Government logo is on the paperwork. We will come back to the Government, who were in effect the enablers of this great fraud, but the actual fraudsters themselves were Home Energy and Lifestyle Management Systems, or HELMS.

The behaviour of Home Energy and Lifestyle Management Ltd was inexcusable. The use of classic dodgy salesman tactics—overstaying in customers' homes to intimidate them into a sale, blatant falsifying of figures, misleading documentation, fraudulent marking of signatures, insistence on inappropriate works and outright lying to elderly vulnerable individuals—has pushed victims into deeper fuel poverty and debt, with no access to a quick and effective remedy. In the majority of cases that I have seen, individuals were sold solar panels regardless of need or suitability. Once again misled on finance, those individuals unknowingly sold their ownership of the solar panel feed-in tariff to offset the up-front cost of works. Ultimately, that meant that households had solar panels on their roof, were possibly still liable for maintenance and servicing, and yet received no financial benefit.

More unbelievably, the managing director of the now liquidated company HELMS, Robert Skillen, not only is a director of PV Solar Investments Ltd—the separate company set up to receive HELMS's customers' feed-in tariffs that, shamefully, is still trading and is in receipt of mis-sold victims' feed-in tariffs—and the man with the brassiest of brass necks, but is now looking to profit from "mis-sold energy claims" through a company called True Solar Savings, despite it not being authorised by the Claims Management Regulator. He has fleeced us once, but now wants to assist us in getting redress from his own company's mis-selling. The man has zero shame, and his outrageous lack of recognition of his culpability is astounding.

Given Robert Skillen's central role as managing director of HELMS, therefore, I strongly advise against any business interactions with that man or his companies. Robert Skillen and HELMS, however, were enabled by the UK Government, but my constituents and many others throughout the country are now paying the price for the Government's casual short-sightedness.

Dr Philippa Whitford (Central Ayrshire) (SNP): My constituency, like others, has been affected. One-hundred and sixty-nine of my constituents have been affected, and what was striking about the public meetings that we held was the proportion of elderly people in their 70s and 80s—one with dementia, another with almost total blindness—who were tricked into this. It was not, on any level, the selling of solar panels; it was fraud.

Gavin Newlands: I could not agree more with my hon. Friend. We are not in a competition, but although the issue affected 169 people in her constituency, in mine 293 households received HELMS panels, out of more

[Gavin Newlands]

than 3,000 in Scotland. Like her, I held my first public meeting on the issue earlier this month. As we know, attendance at such meetings can be a bit of a hit-and-miss affair, but although the subject was rather niche, targeting households with solar panels, about 120 people were in attendance. The meeting was full of individuals with similar stories of being taken advantage of by outrageous mis-selling, pressured into agreeing to inappropriately costed works or told blatant lies for a quick sale.

Two of my constituents, Mr and Mrs Murray, were particularly affected. A HELMS salesman knocked on their door in Linwood—a part of my constituency particularly affected by the mis-selling—and stated that it was to have funding available to invest in homes and energy. He had pressured the Murrays by insisting that the funding was time-limited and finite. They were told that they should have loft insulation, exterior wall insulation and solar panel works. He mentioned no tie between finance and their energy bills, and nothing about a debt tied to their property until 2039 at £1.47 a day.

Angela Crawley (Lanark and Hamilton East) (SNP): As my hon. Friend knows, last year I set up the all-party parliamentary group on green deal mis-selling, which I chair. We have been inundated by problems of that kind. The distinct issue in Scotland, with cladding work in particular, is the requirement for building warrants, which HELMS did not apply for and which cannot be applied for retrospectively. That leaves householders unable to sell or insure their homes. Does he agree that the Government should do more to support people in that position?

Gavin Newlands: I could not agree more with my hon. Friend, the chair of the HELMS all-party group here at Westminster. I shall come to this, but the building warrants issue is complex. In fact, I apologise in advance for making a longer speech than I am accustomed to, because of so many such complexities, building warrants being just one of them.

Back to Mr and Mrs Murray. The HELMS salesman tied them into an additional finance agreement with a personal finance company for a debt repayment of more than £9,000 to meet the expense of the solar panel installation. My constituents acknowledge that they were aware of that finance, but were told by the salesman that they would receive feed-in tariff payments quarterly to offset that cost, as well as having the benefit of lowered energy consumption and billing. However, such was the unfathomable incompetency and mis-selling of HELMS that when the Murrays applied for their feed-in tariff payments, they were missing essential documentation for the process. They pleaded with HELMS, which remained unco-operative and, as we all know, then went into liquidation, leaving my constituents helpless.

It gets worse. In January 2016, the Department of Energy and Climate Change, as was, introduced a statutory instrument requiring all existing renewable energy installations with certification issued before 15 January 2016 to submit their feed-in tariff application by 31 March 2016 or be unable to claim any feed-in tariffs or export payments. The UK Government not only failed to protect my constituents from the unscrupulous criminal behaviour of HELMS, despite accrediting it as an approved provider, but went on to implement procedures that

would prevent my constituents from ever receiving payment for the solar panels that they pay £88 a month for. Mr and Mrs Murray have gone from paying £90 a month for energy to paying £220 a month, all under a Government incentive.

Many people did not know either that a 25-year debt would be tied to their house, potentially making it difficult to sell. An even bigger impediment to selling houses is that many households—possibly the vast majority—have no building warrant for the insulation that was installed on the exterior of their property. They were not informed of the need to apply for a warrant, and now not only might struggle to get one but may have to cough up the statutory uplift of 300% extra for a late application.

To compound that, in some cases when homes generate on-site renewable electricity via generating equipment such as solar panels, their import supply meter is incompatible with and affected by that on-site generation, sometimes resulting in inaccurate meter readings and billing issues. The current metering system and equipment was designed and configured to record meter electricity flows from the distribution network to consumer premises, but on-site generation has in some cases resulted in metering difficulties at premises where it is used, which are increasing in number.

Two things can happen. First, the import supply meter can run backwards. Since the '80s, to prevent tampering, meters have been fitted with backstops so they cannot run in the wrong direction. Where on-site generators are connected at sites with meters that do not have backstops, exporting electricity causes the meter to run backwards. As a result, the consumer's import meter readings are reduced by the amount of electricity they export. When that is discovered, the supplier may recalculate the consumer's bill for the period for which the meter operated incorrectly and charge the consumer for the shortfall. In most cases, on-site generation exports are unmeasured and the supplier needs to use estimates to calculate the bill.

In other cases, the meter treats all electricity in the same way. Some digital meters are configured in a way that results in them adding exported electricity to the imported electricity meter reading, which can result in the consumer paying for both imported and exported electricity. Again, once that situation is identified, historical bills need to be estimated.

Two other constituents of mine, Mr and Mrs Scott, had a HELMS salesman at their door five times. On the fifth occasion, Mrs Scott agreed to the works. She did so only after researching the Government's accreditation and backing of HELMS. The family have gone from paying around £70 a month in energy bills to paying between £170 and £265 a month. The reason for that increase and variation in expenditure is that, on top of the green deal finance charges, the meter and the panels are incompatible. As a result, the family's supply meter runs backwards and my constituents pay estimated bills from their supplier. They have fought for years to have that corrected. Only now, with prompting and reference to Ofgem guidance, has their supplier agreed to replace their supply meter with a compatible one.

That shows how ill-equipped HELMS was. Its lack of knowledge—or more likely, if we are honest, its lack of care—about panel and meter compatibility was outrageous. That should never have been an issue, and my constituents should never have seen their energy bills triple.

Members are no doubt beginning to see just how complex this issue is. My constituents and many other people across the UK have been through years of agony in seeking redress. HELMS failed to correct complaints. Constituents who took their cases to the green deal ombudsman were told they could no longer use that as a route to redress because HELMS no longer participated in the ombudsman scheme. Cases sat with the Financial Ombudsman Service for well over a year with no action. HELMS was liquidated and redress, such as it was, was unobtainable.

This was a UK Government incentive, backed and promoted as such. HELMS was accredited, and indeed promoted, under the Government banner, allowing it to enter homes and sell under a false umbrella of trust. Many of the families I have dealt with were sold on the phrase, "Government backed". In fact, that was what persuaded many of them to listen to the dodgy sales patter in the first place. I have subsequently found that during that time, when someone searched online for a list of Government-accredited providers, HELMS was often top of the list.

How can the Government sit idle while households are left saddled with the hardships caused by HELMS? The very reason why work was agreed to was the shiny stamp of approval from the UK Government. What good is Government accreditation if it is worthless when issues and violations occur?

Who takes responsibility? HELMS and Robert Skillen have thus far escaped ultimate accountability. Despite being fined £200,000 by the Information Commissioner's Office, they paid a mere £10,000 before the liquidation of HELMS. That highlights why the ICO has called on the Government to allow it to issue penalties of up to £500,000 to the company directors responsible.

Thus far, the Government have washed their hands of any responsibility for this mess. Instead, they hope the Green Deal Finance Company, which purchased the green deal loan book from them, will deal with it. Although GDFC was aware of some irregularities, it was not informed of the scale of the mis-selling and fraud that HELMS undertook. Given the delays with seeking redress through the ombudsman, GDFC offered to take over the case load directly to try to speed up the process. Although that has helped, the process is still too slow. GDFC has admitted that it was ill-equipped and understaffed to deal with the scale of the issue. It has apologised for the delay and vowed to speed up the process.

Colleagues may have a different take and may have casework to prove otherwise, but I have met GDFC three times—I was particularly pleased that it attended my public meeting in Linwood—and my impression is that it is diligently, if slowly, working through the various claims and, in the majority of cases, making offers to reduce loans or cancel them altogether. Of course mistakes will be made—my office has asked GDFC to reassess particular decisions, and it will continue to ask if necessary—but thus far, in my view, GDFC has worked in good faith.

Dr Whitford: Is not part of this issue that people of that age should never have been sold 25-year finance for solar panels that may last only 15 years or so? The offer to my constituents seems to have been only to reduce what they owe, not to clear it. They are still being told, "We'll let you off £4,000, but you still owe us £6,000 for panels that aren't working."

Gavin Newlands: I could not agree more. The age at which some people entered 25-year agreements is shameful. That should never have been allowed. It was obviously known that that debt would ultimately just be tied to the house rather than to the individuals concerned. The reductions in payments ultimately go back to the Government's golden rule of trying to put the consumer in no worse a position than they were previously. In my mind, that is not good enough. That is why the Government should step in rather than allowing the Green Deal Finance Company to deal with the issue itself.

An independent source calculated that the compensation process, which GDFC had no obligation to instigate, may cost the company upwards of £20 million. For its part, GDFC thinks that there remains merit in the green deal scheme. Everyone agrees with the idea, albeit with some regulatory tweaks and tightening up, but we have issues with how it was implemented and regulated.

GDFC itself has identified some of the issues that should be addressed. First, it is unclear whether a consumer with a complaint about a green deal provider should take it to the Financial Ombudsman Service, the green deal ombudsman or Ofgem. There is a risk that each regulator relies on the activities of the others, and that firms that pose a risk to consumers are not properly monitored or controlled.

Furthermore—this is crucial in the vast majority of HELMS cases—despite the regulation built into the scheme through dual regulation by the Green Deal Oversight and Registration Body and the Financial Conduct Authority, there is a complete absence of regulation of the assignment of feed-in tariff payments, which are not regulated by either of those bodies. That has caused severe consumer detriment. The feed-in tariff assignment was in many cases grossly undervalued. GDFC examined HELMS customer documentation and discovered that there was no calculation of the value paid for the feed-in tariff. HELMS simply took the difference between the green deal loan value and the cost of the solar panel installation. That meant it was incentivised to maximise green deal advice report savings by manipulating the energy performance certificate assessment, thereby maximising the value of the green deal loan and minimising the amount paid for the feed-in tariff. The effect was to maximise the net income of PVSI, HELMS's sister company.

There is no statutory mechanism for the feed-in tariff to be reassigned in the case of mis-selling. There is no regulation of the company that receives the feed-in tariff. The contract that some customers signed and some discovered they had not signed allows the customer to buy back the rights to the feed-in tariff from PVSI, but only at the original purchase price, notwithstanding how far through the feed-in tariff income stream that takes place. GDFC believes that the feed-in tariff contracts with PVSI should be set aside. I agree, and I am sure that hon. Members do too.

As I have said, when people see any kind of Government logo on a document, the last thing they expect is to be scammed. That is why the UK Government must do more to help people in that position. My colleagues in the all-party parliamentary group in Westminster and the cross-party group in Holyrood will not allow the UK Government to wash their hands of this responsibility.

I have a number of questions for the Minister, who I know is standing in for the Minister for Energy and Clean Growth, the right hon. Member for Devizes

[Gavin Newlands]

(Claire Perry), so I hope that she will commit to respond in writing to questions that she is unable to answer today. The right hon. Member for Devizes said that she would meet me; will the Minister confirm that she is willing to meet me, the Green Deal Finance Company and trading standards in the same meeting?

Many have already paid off their loans for a number of reasons: peace of mind, concerns about carrying extra debt or because they had difficulties selling their property. They are still potential victims of fraud, but without an active loan, they cannot gain redress from the Green Deal Finance Company. What happens to them? How do they get their money back?

What was the Green Deal Finance Company advised about HELMS and mis-selling more generally when it was sold the loan book? Why was the feed-in tariff element not regulated? Would the Minister consider legislation to regulate it? Will the Government take steps to ensure that the ombudsman is appropriately resourced and has more powers to deal with rogue providers? Will the Minister meet the power companies to ensure that the metering problems are fixed as a matter of urgency and that no house will be left worse off or in debt as a result of inadequate metering? Crucially, will she commit, at the very least, to considering a compensation fund for those affected?

Thus far there has been nothing short of an abdication of duty by the Government. They have an obligation to do something to help the thousands of households that have been affected by this fraudulent behaviour. The scandalous mis-selling of panels was carried out by HELMS but enabled by the UK Government under their banner. Therefore, it is the Government's responsibility to fix this mess and ensure that our constituents are adequately compensated in a timely fashion. A fund to provide financial relief would be a good start to repairing some of that damage. It is beyond time that the UK Government recognised their role in the fraudulent behaviour of HELMS. My constituents and, indeed, many thousands of others across Scotland and the UK, need answers and action now.

9.53 am

Jim Shannon (Strangford) (DUP): It is a pleasure to speak in this debate, Mr Robertson. I congratulate the hon. Member for Paisley and Renfrewshire North (Gavin Newlands) on securing the debate and on making the case so succinctly on behalf of his constituents. I am sure that colleagues are well aware that the green deal was not extended to Northern Ireland, but tackling fuel poverty and making homes more energy efficient remains a priority for us. I will speak about a number of similar schemes and options available in Northern Ireland. I support the hon. Gentleman and I am sure that other hon. Members will back him up.

I support redress for all the hon. Gentleman's constituents and others who have been financially disadvantaged to a considerable extent. When reading up on the topic, I was truly shocked to read about the questionable business practices that many HELMS employees seemed to adopt; we have heard about some already and we will hear more. It is no wonder that so many Members are here today talking about the negative impact on their

constituents. Many were left out of pocket and some have struggled to sell their homes, which the hon. Member for Central Ayrshire (Dr Whitford) mentioned.

David Simpson (Upper Bann) (DUP): Over the past few years, there has been an increase in fraud, especially in relation to solar panels. In 2017, directors of a company were jailed, and recently a six-member gang committed a £17 million fraud in a solar panel scam. The full rigour of the law must be brought to bear on the company directors responsible.

Jim Shannon: The Minister is listening intently to what is being said and I look forward to her response. I know this matter is not ultimately her responsibility and she is filling in; nevertheless, I hope she is able to respond to my hon. Friend's intervention.

When the company went into liquidation, many customers found themselves at a total loss, unable to take up their case with either the ombudsman or the company. The fact that the green deal was backed by Government undoubtedly gave the scheme credibility. The hon. Member for Paisley and Renfrewshire North said that one of his constituents phoned to check the scheme and found that it was Government-backed, so thought that it must be all right, but it was not. Coupled with the idea of saving money and being green, that resulted in many customers signing agreements that they did not necessarily understand, on the premise that their bills would not increase. It was disappointing for many that that did not turn out to be the case.

Members have given evidence that these operators of the scheme took advantage of their constituents. That said, Members must ensure that we do not undermine public trust in these types of scheme, given the potential benefits they can deliver. For example, in Northern Ireland, we have worked hard to tackle fuel poverty, and earlier this year, fuel poverty figures for the Province fell to 22%—a welcome drop from 42%. That indicates what we are doing back home, even with a stuttering Assembly.

Dr Whitford: I understand that the Government hope to do a future green deal project. Will that not be completely undermined if this issue is not resolved?

Jim Shannon: The hon. Lady is absolutely right. The Government have a great responsibility to address the issue for the sake of the credibility of any future schemes and so that participants in them will not worry about the future.

It is important to recognise that price fluctuations in home heating oil played a role in the fuel poverty figures I just gave. The reduction is welcome news, but we should not rest on our laurels: 22% of people considered fuel poor is still 22% too many.

A scheme that has proved to be extremely successful is the Northern Ireland sustainable energy programme. It has a particular focus on tackling fuel poverty, with 80% of funding ring-fenced for vulnerable and low-income families. The NISEP provides help to install energy-saving measures in homes, including energy-efficient boilers, heating controls, loft insulation and cavity wall insulation. With funding coming from a levy paid by all electricity customers, the scheme is delivered by energy companies

and managed by the Utility Regulator. We have a system in place that has managed the programme well and delivered.

In 2017-18, five energy companies provided schemes, each of which had different eligibility criteria and incentives and/or grants to help people to make their homes more energy efficient and perhaps reduce their overall energy bills. As I mentioned, the focus is on those at risk of fuel poverty—for example, many of the schemes work directly with housing associations, which identify eligible tenants. The sheer variety of schemes means that people can make informed decisions about which scheme would best suit them and address their specific needs.

The NISEP provides some £7.9 million towards energy efficiency interventions, which include insulation and heating upgrades. It has proved so successful that it has been extended again until March 2019. The programme is working. The hon. Member for Paisley and Renfrewshire North referred to a different scheme. I only wish that scheme were the same as then we would not have needed this debate. We have accountability whereas, as he said and as we want to illustrate, there is no accountability in that scheme.

Angela Crawley: The hon. Gentleman is speaking to specific issues of fuel poverty in Northern Ireland. To come back to the mis-selling of the green deal, does he agree that people were conned into buying mis-sold products on the basis that there were UK Government logos on the paperwork, and UK Government approval gave them the confidence to go ahead, so the Government should compensate those individuals? That is what we are seeking from the debate.

Jim Shannon: The hon. Lady is absolutely right. With great respect to the Minister and the Government, I expect the Government to respond positively to the request being made on behalf of the constituents who have been disadvantaged and mis-sold products and who, as a consequence, are poorer today than they thought they would be. I cannot understand how someone who was paying an electricity bill of £80 a month can suddenly be paying £170 or £240 a month, as the hon. Member for Paisley and Renfrewshire North described. How can that be cheaper? How can it be legal? How can that be allowed to happen? That must be taken on board.

Across the United Kingdom, we all recognise the importance of becoming greener and the need to have a diverse and sustainable energy mix, which is why it is important to look at new technologies as well as to harness those that are already tried and tested. The Northern Ireland renewables obligation, like its equivalent in Great Britain, requires suppliers to source an increasing proportion of the electricity they supply from renewable sources. Colleagues might be surprised that, despite the often wet and windy climate in Strangford—in fact, my constituency has among the lowest rainfall in Northern Ireland; we sometimes wonder if that is true, but the statistics prove it—one of the most popular sources of renewable energy that people are turning to is solar. This might be controversial given the topic of the debate, but it really does work when done well.

There is a number of large farms in Strangford, and many of them have installed solar panels—in fact, one farm in my constituency has 10 acres of solar panels. That is an example of what can happen when green

energy is done right, and that is what we want. With renewables obligation certificates guaranteeing payment for every unit of electricity generated, it is not surprising that so many are investing in solar panels. Not only can people save money on electricity bills, but they help to make Northern Ireland, and the whole United Kingdom, a greener place for the next generation, reducing our reliance on fossil fuels.

What has happened with HELMS has probably put a lot of constituents off installing solar panels and, more broadly, installing renewable energy measures, but as we try to tackle climate change and battle to keep the lights on, it is important that we look closely at green energy measures, from electric cars and smart homes to making simple energy-efficiency changes to our homes. Not everyone will benefit from solar panels—people who do not generate enough electricity are unlikely to reap benefits and will end up paying more. As has been illustrated today, that was the case for many hon. Members' constituents, and HELMS was at fault. The Minister, the Department and the Government must respond. However, it is so important that we do all we can both to help people out of fuel poverty and to support the use of renewables where possible and appropriate.

10.3 am

Mr Paul Sweeney (Glasgow North East) (Lab/Co-op): It is a pleasure to serve under your chairmanship, Mr Robertson. I congratulate the hon. Member for Paisley and Renfrewshire North (Gavin Newlands) on securing the debate and making a powerful speech to introduce the complex but dramatic and distressing situation of green deal mis-selling and the impact of HELMS in particular.

I was elected last year by a community that I have grown up and lived in my whole life. Balornock is probably similar in many ways to Linwood in the hon. Gentleman's constituency: it was an overspill estate created after the second world war, built at a time of great optimism in the Glasgow city region, where people were moving out of overcrowded slum tenements in the inner city and into what they saw as new build housing, with indoor toilets and front and back gardens. The community was largely born of the baby boomer generation, who moved in and have lived there their whole lives. Many benefited, as they saw it, from buying their council houses in the 1980s and 1990s, and, as they reached retirement, they wanted to make improvements to their houses.

The community was built out of great optimism and aspiration for the future. Five years ago, the green deal was launched to great fanfare by the Tory Government, with the promise of a win-win situation for homeowners: lower energy bills and the chance to do their bit for the environment. It seemed like a great idea. Those who sought to exploit that scheme cynically homed in and targeted communities, particular those with a large population of baby boomers in self-contained housing units—not flatted accommodation—with back and front gardens. If the scheme sounded too good to be true, that was because for some in those communities it turned out to be exactly that.

Dozens of my constituents in Glasgow signed up to install green deal-financed improvements to their homes, such as solar panels and insulated cladding, but that has proven to be one of the worst decisions they have ever made. Instead of realising the Government's vision of a

[Mr Paul Sweeney]

flagship programme to reduce fuel poverty and improve energy efficiency, the complete failure to regulate the scheme properly has allowed it to be ruthlessly exploited by gangsters and other rogue traders, who have systematically preyed on trusting people who thought that, as the scheme was approved and accredited by the Government, they could trust its credentials and sign up.

In 2015 Christine McBain, one of my constituents, handed over her life's savings to a Cambuslang-based green deal provider called Home Energy and Lifestyle Management Systems—otherwise known as HELMS—to put external wall insulation on her Swedish timber-framed house in Balornock. Those houses are a common feature of Balornock, because after the second world war the overspill in Glasgow was so problematic that timber kit houses were imported from Scandinavia, such was the pressure on housing. More than half a century later, those houses are not the most energy-efficient, so this offer seemed like a plausible way for those homeowners to make them better. As I have said, it turned out to be the worst decision they ever made.

Another constituent, 86-year-old Mary, handed over her lifetime's savings and has been left with £17,000 of debt after being duped by HELMS with no sign of any redress. It is the most appalling experience as an MP to see people who are meant to be enjoying their retirement, and feeling safe in their life's work and savings, but who have been stripped of any sense of security and are in absolute distress about what they are having to deal with. If this is not dealt with urgently, sadly they will have to deal with it for the remainder of their lives. That is a shameful indictment on the Government's failure to regulate their policy.

Christine and Mary are among many local residents in my constituency who have been left totally in limbo by HELMS. The company carried out similar works on more than 160 properties in my constituency without obtaining the necessary building warrants, cynically preying on local residents with promises of free solar panels and cavity wall insulation that would save them thousands of pounds. Normally such a matter would be easily remedied with a retrospective application for a building warrant from Glasgow City Council. However, because building standards were not adhered to by HELMS, no backdated planning permission can be granted without costly surveys. In addition, the statutory fee for a building warrant will be tripled where works have already been completed. Residents simply do not have the financial resources to fund that, and in the absence of building warrants the houses are now uninsurable and unsellable. Residents—many in the latter years of their lives—feel effectively imprisoned in their own homes. That is shameful.

I am currently seeking agreement from Glasgow City Council to waive the multiplier fee for the retrospective warrant and to cover the cost of the surveys needed for the building works. Will the Minister write to Glasgow City Council's chief executive to make a similar call?

Dr Whitford: Does the hon. Gentleman not accept that the underlying fault lies with the UK Government scheme? To me, the UK Government lobbying Glasgow City Council to pick up those costs, rather than offering to fund them, seems the wrong way round.

Mr Sweeney: The hon. Lady makes a fair point. I urge the Minister to show some leadership and overall responsibility. In the first instance, she should contact Glasgow City Council's chief executive and offer a dialogue. I would be receptive to the hon. Lady's proposal of the Government offering to finance those costs as a way of breaking the impasse and getting the problem dealt with. The problem requires a whole-Government approach from city level, Scotland level and UK level. That would be the most proactive way to deal with it. Ultimately, however, responsibility lies with the Department that introduced the scheme, and it should show some moral and financial leadership.

Earlier this year I met representatives of the Green Deal Finance Company to raise my constituents' concerns. In the last year alone the GDFC has upheld 169 complaints against HELMS, compared with 14 complaints against all other contractors upheld since 2013. Clearly, one contractor is a massive outlier in those figures. Some 154 cases against HELMS remain under consideration by the GDFC. However, the piecemeal approach to handling complaints has put the onus on the victims. The sheer number of complaints upheld against HELMS suggests that there was a systemic failure of regulation by the Government and that a proactive approach is now needed, to tackle that huge failure in the green deal scheme. It was the responsibility of the Minister and the GDFC to lead in the matter; it cannot be the responsibility of residents who are already distressed, disoriented and at their wits' end in trying to deal with it. They cannot be put under further stress from the huge effort of having to right the wrong.

Angela Crawley: I am sure that the hon. Gentleman is aware, from speaking to his constituents, that people who chose to pay over several years through their electricity bills are not able to withhold payment, which is a common and acceptable consumer rights practice, if they believe that there was mis-selling. If the power company does not receive the funds, those people accrue debt. They cannot prevent the green deal payment from being made through their energy bills, which means they accrue more debt in the process.

Mr Sweeney: I completely agree. One of the most insidious aspects of the green deal scheme is that it locks people into a structural system. The loan is tied to the house, so the property imprisons the resident. That is the most appalling aspect of the way things have been manipulated by HELMS and other nefarious practitioners of the scheme.

HELMS made more than 6 million nuisance sales calls and, as the hon. Member for Paisley and Renfrewshire North said, was fined £200,000 by the Information Commissioner's Office. The Department of Energy and Climate Change also fined the firm another £10,500, but conveniently the company was put into liquidation by its owners, who walked away after paying just £10,000 of the fines owed. The company was owned by the multi-millionaire Robert Skillen, who continues to live a highly privileged lifestyle at the expense of the thousands of people he ripped off—including my constituents—leaving a trail of misery and chaos in his wake. He fled abroad and continues to profit from his fraudulent business practices. If he had any honour he would return to the UK and face the accusations against him. Indeed, he should face prosecution for fraud.

Gavin Newlands: I just want to make Members aware that Mr Skillen has returned to the country—on a number of occasions, I think. Once he turned up at the Green Deal Finance Company to ask for the details of the customers who have contacted it, so that he could contact them directly, such is the shamelessness of the man.

Mr Sweeney: It is appalling to realise that this chap has such a shameless attitude that he does not accept the harm he has caused to thousands of people, who cannot sleep at night. I hope that he will realise the impact he has had on them. However, it is time the Minister and the GDFC took formal steps to censure and effectively blacklist the guy, to stop him continuing to exploit vulnerable people.

As the hon. Member for Lanark and Hamilton East (Angela Crawley) mentioned, dozens of other homeowners in Glasgow North East are still literally paying the price of the green deal's failure, through the finance deals that they were conned into to get the work done. A home is somewhere that we should all be able to consider a sanctuary and place of safety. However, many are so depressed by the green deal trap that they can no longer bear to live in their own homes, which are the very source of their turmoil.

Most people would consider a Government-backed scheme such as the green deal to carry a copper-bottomed guarantee, but for many of my constituents the feeling is one of total betrayal by the authorities they trusted. The Tory Government created the environment in which rogue traders could pull a fast one. The Government and the Green Deal Finance Company must now do everything they can to find a remedy for those who have been adversely affected. They must contact all 4,226 HELMS loan recipients, to make them aware of what they can do to find redress if they experience financial detriment because of the scheme. They must also consider a compensation scheme for those affected by mis-selling by HELMS.

That is why after I was elected I joined the all-party parliamentary group on green deal mis-selling, along with my hon. Friends the Members for Rutherglen and Hamilton West (Ged Killen) and for Coatbridge, Chryston and Bellshill (Hugh Gaffney), and why I presented a petition to Parliament earlier this year, urging the House of Commons to ensure that the Government compensate and protect people who have suffered detriment because of the green deal scheme. In the interest of fairness and justice the Government should now take steps to ensure that the same thing can never happen in future.

10.14 am

Patricia Gibson (North Ayrshire and Arran) (SNP): I am delighted to participate in the debate, Mr Robertson. I extend my heartfelt thanks to my hon. Friend the Member for Paisley and Renfrewshire North (Gavin Newlands) for securing a debate to expose HELMS's mis-selling of energy-efficient products under the UK Government's green deal programme. It has affected many of my constituents. Indeed, as we have heard, we all have constituents who have been victims of that mis-selling, and who have been caused considerable anxiety, stress and financial loss as a result of the scandal. The UK Government, as every Member who has spoken has said, need to step up and take responsibility.

There is no denying that the scheme was Government-backed, but it turns out that the wider regulatory provisions failed to ensure that the deal was fit for purpose. What is required is for the UK Government to put in place a compensation scheme for all the consumers who have been left out of pocket—and there are many. We now have a situation where some homeowners who were taken in by the scheme have been left unable to sell their homes. They are not making the savings that they were told they would. It has all come to nothing. Some have been left with higher bills than they had before. The work carried out has often been substandard. Building warrants for wall cladding have not been obtained, so the consumers affected have had to pay for retrospective warrants at 300% of the cost of a normal building warrant, or have had to pay to have corrective works done, because building standards will not issue a warrant if they deem the work not to have been done properly. We have constituents who are not on a feed-in tariff because they were not registered prior to March 2016. Far too many people now face the prospect of monthly repayments for finance deals with extensive payback periods in excess of 20 years. How can that possibly be acceptable?

I am pleased that the Minister for Energy and Clean Growth assured me in a debate on 10 October that she would ask her officials to look at the loan arrangements. She pointed out:

“The green deal...was designed to unlock the issue of persuading people to improve the energy efficiency measures of their homes. Currently, all contracts are covered by existing consumer protection, but as a second action point I undertake to go away and review this specific company and write to her with the state of progress on those conversations.”—[*Official Report*, 10 October 2018; Vol. 647, c. 110WH.]

I await that letter with eager anticipation. I am sure that the Minister who is responding today can see that, far from unlocking

“the issue of persuading people to improve the energy efficiency measures of their homes”,

the scandal has undoubtedly set that cause back considerably, which is in no one's interest. However, the Government could do much to mitigate the distrust that has been sown, the alarm that has been caused and the financial loss that those caught up in the scandal feel.

We have heard that the issue is complex, but in another sense it is very simple: the UK Government-backed scheme has led to ordinary consumers facing huge difficulties, and it is incumbent on the UK Government—there is a moral imperative—to put it right. The debacle shows that the UK Government's system of regulation is simply not fit for purpose. Consumers did not have the protection under the law that they were entitled to expect. That needs to be addressed. Those consumers who inadvertently and unwittingly signed over their feed-in tariffs must have them returned. Today, those who have suffered in the HELMS fiasco simply want to know whether the Government are going to step up, or whether they are going to leave those who trusted the Government-backed scheme floundering in debt, hardship and despair. I urge the Minister to do the right thing and help the people who have been let down, misled and swindled by the scheme.

Several hon. Members rose—

Mr Laurence Robertson (in the Chair): Order. I should like to leave a couple of minutes at the end of the debate for the mover of the motion.

10.19 am

Alan Brown (Kilmarnock and Loudoun) (SNP): It is a pleasure to serve under your chairmanship, Mr Robertson. Like others, I congratulate my hon. Friend the Member for Paisley and Renfrewshire North (Gavin Newlands) on securing this important debate. He made the case against HELMS excellently—the mis-selling of loans, the outright fraud, the fact that it was deemed to be a Government-backed scheme, the targeting of the vulnerable, the transfer of feed-in tariffs, and the personal finance arrangements that effectively forced people to commission other works. Some people took out loans for works that the Scottish Government would have paid for directly because they invest in energy efficiency measures.

My hon. Friend mentioned that building warrants were not applied for and people were not told that they needed them; now, statutory fees are added if people apply for a building warrant retrospectively. We heard about incorrect metering, and the fact that HELMS was able to go into liquidation and walk away, paying just £10,000 out of a record £200,000 fine for cold calling. We heard about the Government's total inaction and inadequate governance, and about the Government's attitude, which when combined with the actions of HELMS, has created fuel-poor households rather than helping people with their fuel bills.

My hon. Friend's comments were echoed by other speakers. The hon. Member for Glasgow North East (Mr Sweeney) spoke about people being imprisoned or trapped in their homes, which is a travesty. He said that he asked Glasgow City Council to waive the statutory late fees for building warrants, and I put the same request to my local authority. The problem is that these are statutory fees—in law, they cannot be waived. That puts the ball firmly in the corner of the UK Government, who should pay those fees.

Dr Lisa Cameron (East Kilbride, Strathaven and Lesmahagow) (SNP): It is a disgrace that people are being locked in to these deals. Older adults and vulnerable individuals were, I believe, deliberately mis-sold these products. In some cases in my constituency, which thankfully have now been dealt with, it meant that elderly individuals could not move from their homes to sheltered accommodation or nursing homes when they needed care.

Alan Brown: It is a shocking indictment and really disgraceful that people are trapped and cannot get into houses that are fit for purpose.

My hon. Friend the Member for North Ayrshire and Arran (Patricia Gibson) correctly highlighted the need for compensation, the issue of people who are unable to sell their homes, and the March 2016 feed-in tariff deadline that means that people are missing out on the tariffs they expected. It was good to hear a concession from the Minister about reviewing consumer regulation, and it will be interesting to see how that progresses. My hon. Friend issued a further challenge to the Government, and we all want to see action and intervention on this.

My hon. Friend the Member for Paisley and Renfrewshire North highlighted issues that are familiar to SNP Members but that the UK Government have

so far chosen to ignore, despite numerous written parliamentary questions and letters from MSPs and MPs, including me. Surely today the Minister will confirm that the UK Government will take action and listen to our calls for a compensation fund for those affected.

Let me give some headline statistics: 162 households in my constituency have green deal finance with HELMS, and of those 142 have photovoltaic installations. Some 3,054 households in Scotland have HELMS green deal finance for PVs, and there are more than 4,000 across the UK. Other Members have mentioned the duration of loans: 93% of those loans in Scotland, including for 97% of my affected constituents, are in the range of 20 to 25 years. Think of that: a supposedly spend-to-save measure is being paid back over 20 or 25 years. No private company would take out such a loan to make projected minor annual savings because the risk is too great. We already know about the dodgy installations and wiring, but there is no way that those PV cells have a lifespan of 20 to 25 years. The additional ongoing maintenance required will offset any projected savings that people were led to believe they would get. Imagine having an asset that will not last for the life of the loan—it is criminal. Anyone aged 40 or over who has taken out a loan will still be paying it back when they reach state retirement age and beyond. That would be bad enough under normal loan ethics, but as we have heard, many people who took out those loans were duped by salesmen who said that savings would pay for a Government-backed scheme. What does the Minister say to the people who have been cruelly conned and left with long-term loans?

Angela Crawley: One couple who approached me had specifically been told that installing solar panels would help them make money on the sale of their home, but instead they have been paying double and triple the amount for their electricity. Does my hon. Friend agree that those who have been hardest hit are people in middle to low-income homes?

Alan Brown: I completely agree: this scheme is creating fuel-poor households, which is why Government intervention is needed.

How did this come about? For me, the situation results from a combination of a few factors. It was originally a Liberal Democrat policy that clearly had not been correctly thought through, and there was a Tory partner in the coalition Government who maintained a “hands off—market forces will prevail” ideology, which prevented direct Government intervention. There was always the desire not to get directly involved. Some unscrupulous businessmen saw a fantastic opportunity to make money at the expense of the vulnerable. The impact of events have since been compounded by successive Tory Governments who have refused to take a lead as the mis-selling scandal unravels.

I find it incomprehensible that the UK Government have so far not seen fit to have a proper investigation into this matter and they are forcing victims to take out individual claims. That adds to the stress of the situation, and coupled with the non-disclosure agreement that is associated with any settlement offered from the Green Deal Finance Company, it is apparent that the initial

approach is to minimise any refunds to those who deserve them. It is a classic “divide and conquer” approach, rather than an attempt to do the right thing.

When I read the debates on the Energy Bill in 2011, I noted that the current Minister of State for Energy and Clean Growth served on the Bill Committee. Given her familiarity with the legislation and the wider points debated in Committee and other debates, surely she would want to lead in fixing this mess. Indeed, as this mess has unfolded, it has become clear that the governance arrangements were not fit for purpose. Interestingly, the SNP spokesperson at that time, the former Member for Angus, Mike Weir, raised concerns on Second Reading, saying:

“One of the problems with energy mis-selling was that it was a long time before many of the cases came to light. Does the Minister have any thoughts on ensuring that the standards that are to be imposed on those selling green energy are regularly inspected to ensure that any problems can be detected at an early stage?”

The Minister responded:

“I can assure the hon. Gentleman that we will keep all elements of the green deal under close review...we will need continually to monitor all aspects of it, especially those relating to selling and mis-selling... If we identify any areas in which we think improvements can be made, we will not hesitate to make them.”—[*Official Report*, 14 September 2011; Vol. 532, c. 1049.]

Unfortunately, Mike Weir has been proved right. The UK Government did not uphold their end of the bargain regarding the governance and review that they said they would undertake.

On governance, the length of the loans alone should have prompted an automatic red flag. The 242 complaints about cold calling between October and December 2014 offering “free” solar panels should have resulted in much quicker clampdown on the actions of HELMS, but the Government were too slow to act. We know what the then Energy Minister, Greg Barker, thought of HELMS—he praised it for its entrepreneurial start-up skills. Mr Barker is okay now: he stepped down in 2015 and was promptly made a life peer in the House of Lords. The Secretary of State for Energy at that time lost his seat in 2015 but was knighted in the 2016 new year honours list and is now back as an hon. Member in this House. I am sure that my constituents will want to know why those who got it wrong have been rewarded and, as we have heard, those who have been wronged are still fighting for justice and have been ignored by the UK Government.

As we have heard, someone else who did okay out of this was the director, Robert Skillen, who was up to his neck in it. As my hon. Friend the Member for Paisley and Renfrewshire North said, Mr Skillen has some amount of brass neck to come back and campaign to protect people from the mis-selling that he was involved in. That is shocking. I hope the Minister will confirm that all necessary agencies and authorities will look into his ongoing activities and see what can be done to prevent further fraudulent action by him.

Coming back to governance, in a written answer to my parliamentary question on what review the Government had undertaken of the so-called golden rule and how it was working, the answer was “None.” Once the scheme was up and running, why did nobody look at whether the golden rule was working and whether the savings that had been predicted were being generated? That is

another dereliction of duty. Who would think that basing a whole scheme on one year’s savings against a loan was a good idea? We need a proper root-and-branch review of HELMS installations, and I suggest that we need to extend it to wider green deal installations elsewhere.

The Tory Government pulled the green deal, but what analysis did they do when they put a block on it? When will we hear why they pulled it and what lessons were learned? While the Tory Government has stood back, it has been left to MSPs, MPs and citizens advice bureaux to try to assist affected constituents, but we are doing so with both hands tied behind our back because we do not have the address information. Only the Green Deal Finance Company, and therefore the Government, know exactly who has these green deal finance deals from HELMS. Again, that is why we need Government intervention. Before I conclude, I must put on record my tribute to the work done by my local CAB, particularly Linda Corbett, who has done fantastic work on digging into HELMS, understanding the issue, taking it forward and helping people, and to a local constituent, Isobel McNicol, who started a HELMS awareness and campaign group. However, it should not be left to those people to act; Government intervention is needed.

In the ministerial response to me the Government rejected the assertion that the whole issue is shrouded in secrecy, but I suggest there is still not enough transparency. We need to know how many people have been defrauded of their feed-in tariff. In response to a written parliamentary question of mine, I was told that it is not the Government who hold the information on whose feed-in tariffs have been transferred, but Ofgem. The Government need to get an understanding of the matter, because we have heard that there has been widespread fraud on the transferring of feed-in tariffs.

As others have said, this has been a flawed energy policy from the start. The problems will set back efforts to get people to sign up to future energy efficiency measures. Some people who are fuel poor and deserve to have energy efficiency measures installed in their homes will be afraid to do so. The Government must get a grip, set up a compensation fund, do a proper investigation and start taking collective action.

10.33 am

Dr Alan Whitehead (Southampton, Test) (Lab): This debate revolves around a number of issues—not just the question of one rogue company, but wider issues relating to the nature of the green deal programme when it was set up, what it decided to do with regard to redress arrangements, how the relationship of payment to reward was set up, and various other issues. That positions the debate firmly as being about the Government’s response to a number of these issues, not just the legal responses to a particular company that has clearly acted reprehensibly in engaging customers in deals that were anything but green and anything but advantageous to them.

I therefore congratulate the hon. Member for Paisley and Renfrewshire North (Gavin Newlands) on securing this important debate. It is a debate that goes back to when the green deal was set up in the first place, with the Energy Act 2011. As the hon. Member for Kilmarlock and Loudoun (Alan Brown) observed, the current Energy Minister participated as a member of the Bill Committee. I think the hon. Gentleman will also be aware that I,

[Dr Alan Whitehead]

too, was a member of that Committee, and many of the issues that have been raised this morning concerning aspects of the green deal were raised during the process of bringing the Act into being.

One particular issue that I and others raised during passage of that Act was the concept of the golden rule in the green deal. The central selling point was that people would never pay more than they would get back in savings from arrangements relating to the green deal—what they would save as a result of green deal treatments would always be greater than what they paid up front.

It was pointed out during the passage of the 2011 Act that that idea was an elastic concept, and that it was always going to be difficult to get the right balance in the relationship between payments and savings. It is that aspect of the green deal that HELMS appears to have taken particular advantage of. In fact, it is fair to say that the company systematically exploited every single weakness in the green deal in its approach to customers. It took not only all the feed-in tariff from customers, but the export tariff, which it put into a separate company. It made a lot of money out of that process, because the feed-in tariff at that point was pretty generous to customers, yet it still engaged customers in loans for those properties.

The hon. Member for Strangford (Jim Shannon) and my hon. Friend the Member for Glasgow North East (Mr Sweeney) have mentioned just how many of their constituents were systematically victimised by this scam. They were victims not only of a scam, but of a scam that appeared to them to have been authorised by the Government. During the passage of the 2011 Act, considerable efforts were made to ensure that the green deal was authorisable by Government, but not enough efforts were made subsequently to ensure that what was authorisable by Government was actually sound and authorised by Government. As hon. Members have mentioned, in the early stages a number of companies such as HELMS were praised by Ministers as great examples of companies that could be properly authorised and could safely go around carrying out green deal arrangements.

As hon. Members know, the green deal was a complete fiasco and was closed down by the Government shortly after they took office following the 2015 election. Members may recall a former Energy Minister saying that he would not sleep at night unless millions of people had taken up the green deal. The number who did turned out to be only a tiny proportion of those who would have taken up the green deal. The interest rate on the loans was clearly a big factor in the low take-up. Indeed, as Members have attested to today, it is a factor in the overhanging loans that a number of people have, for up to 25 years, as a result of the mis-selling by HELMS and one or two other companies. This is not a happy tale at all. What we have heard about today are particular aspects of a wider scheme that was pretty flawed in both concept and execution.

Of course, on top of that is the fact that the Government not only withdrew from the green deal but then sold the whole loan book to a private company, the Green Deal Finance Company. It is now landed with a number of complaints, because the Government are effectively saying,

“It’s nothing to do with us; it’s the Green Deal Finance Company, a private company.” It is fair to say, as hon. Members have reflected on, that the company is trying to do something about the overhanging debts that a number of people have as a result of being on the green deal loan book. Indeed, there are several reports of the Green Deal Finance Company reducing the loan debt of particular people to a level at which it does match the requirements of the golden rule, so that they are not continuing to pay more on their bills than they are saving in energy charges. But that is only scratching the surface, because only a few people have been dealt with in that positive way by the Green Deal Finance Company. There is clearly a much wider issue, which relates back to how the green deal was set up. A redress system was not built into the green deal as it unfolded, and the mess that resulted from those shortcomings is still with us today.

It is incumbent on the Government to take much greater responsibility for their own mess, for the consequences of the weaknesses in the green deal as it came forward, and certainly in the case of HELMS, a company that the Government were talking up, shall we say, until fairly shortly before it went out of business, with all the problems attached to that. I look forward to hearing from the Minister today what proposals the Government have to take this matter forward in a positive way. I note that, in answer to a written question at the beginning of the year, the Government said that they were actively involved with bodies relevant to this issue and hoped that there would be a resolution. I would be interested to know the bodies with which the Government have been involved in discussions, what they think would be an active resolution to this issue and how they are progressing with that active resolution.

My personal view is that it is imperative that some active resolution is brought about across the board, because this is a reputational issue for any future energy efficiency or home improvement scheme. If customers engaging with those schemes have no confidence in the schemes working, they will not happen. It is absolutely imperative that we get energy efficiency and green energy schemes going in this country as part of the challenge of decarbonising our energy systems and uprating the energy efficiency of homes across the country. It is important that that gets under way for the future with a clean slate and a clean bill of health for what is being done.

It is therefore incumbent on the Government, in order to foster good will towards future energy efficiency schemes and to put right the wrongs of the past, to actively engage in finding solutions to the problems of mis-selling that we have heard about this morning and to consider the wider issue of the deficiencies of the green deal scheme and the need to ensure that we get it right for any successor schemes, whether privately or publicly funded, in future.

10.45 am

The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Kelly Tolhurst): It is a pleasure to serve under your chairmanship, Mr Robertson. I congratulate the hon. Member for Paisley and Renfrewshire North (Gavin Newlands) on securing the debate. I welcome the comments and interest of other hon. Members; they mentioned the particular issues for

their constituents. We have a shared wish to see proper redress for consumers who have been mis-sold green deal plans. I thank the hon. Gentleman for highlighting the case of Mr and Mrs Murray. We listened to his account of the sadness and horror that they have experienced.

I want to make a particular point at this stage. As the Minister responsible for consumer protection, company law and the insolvency process, I place it on record that the Government are committed to ensuring that rogue directors, rogue traders, are investigated, in the interest of protecting consumers. I feel very strongly about that in this role and, obviously, my other roles in Government.

In total, Home Energy and Lifestyle Management Ltd, which I shall refer to as HELMS, was responsible for selling 4,581 green deal plans. Of those, 3,068 were sold to households in Scotland and 293 in the hon. Gentleman's constituency. We understand that about 460 consumers have made complaints about the green deal plans provided to them by HELMS. That is a substantial number and it is a real concern, but let us remember that a large majority of green deal plans run smoothly, without complaint.

Most complaints focus on the fact that HELMS led consumers to understand that there would be no cost to their installation. HELMS gave consumers the impression that that was possible because of the nature of the Government's green deal scheme. Consumers were then surprised to see green deal payments appear on their electricity bills. Many consumers were unaware that they were entering into a credit agreement, or of the opportunity that they had to cancel their agreement. That runs counter to what the green deal is about—enabling consumers to install energy efficiency measures through a loan and then repay through the resulting savings on their energy bills.

The consumer's position was often worsened because they were persuaded by HELMS to assign elsewhere the rights to any feed-in tariff from the measures. HELMS encouraged many to transfer their feed-in tariff rights to a separate company—one related to HELMS—as a contribution to the costs of their installation. That meant that consumers could not put that potential funding stream towards meeting the costs of the green deal plans, and HELMS failed to inform the consumer of the impact.

Before saying more about the HELMS cases, I shall provide some background on the green deal. It was launched by the coalition Government in 2013. Under the green deal, consumers can borrow money to fund improvements and repay the loans over time through their electricity bills. In the case of solar PV, consumers can begin to use renewable energy generated on-site in their homes. The savings can then be used to repay the loan. A principle called the golden rule, which has been mentioned today, is in place and intended to ensure that loan repayments do not exceed expected savings.

It is true that at the time the Government and, indeed, hon. Members from across the parties had high hopes for the green deal. But it failed to take off to the levels expected. Various reasons have been offered for that. They include its complexity and the fact that it did not properly consider consumer demand to undertake energy efficiency improvements in this way. The original scheme design was not perfect, but we and others believe that the pay-as-you-save mechanism at the heart

of the green deal can still play a valuable role in the future. We have published the summary of responses to our call for evidence and will consult on proposals in due course. The right consumer protection will be paramount in any reformed scheme.

We want to improve the green deal, but it is far from being the only game in town for energy efficiency. Just yesterday the House debated the Draft Electricity and Gas (Energy Company Obligation) Order 2018, under which we are looking to further improve the already successful energy company obligation scheme. Since 2013, it has led to over 2.4 million measures being installed in nearly 2 million homes.

To make things right for the consumers who have suffered from the activities of HELMS, it is important to know that there is a specific process for handling complaints under the green deal. Consumers should first approach their green deal provider. If the problem is not resolved, the consumer may then approach the green deal ombudsman or the financial ombudsman service, depending on the nature of the complaint. Ombudsman decisions are binding on the green deal provider. If the consumer is still dissatisfied, they can refer their complaint to the Secretary of State for consideration.

The liquidation of HELMS further complicated resolving consumer complaints, as it meant any ombudsman decisions against HELMS could not be implemented through the company. Therefore, my Department worked with other key parties to establish a mechanism to offer a resolution for consumers. The Green Deal Finance Company reviews those cases and, where it considers it appropriate, makes settlement offers to consumers. If they are dissatisfied with any offer received, consumers can still refer their cases to the Secretary of State under the green deal framework regulations. The Secretary of State has the power to reduce or cancel loans where he is satisfied that the consumer has suffered, or is likely to suffer, a substantive loss.

Mr Sweeney: Does the Minister think that, rather than the onus being on the individual to seek that assistance, the Green Deal Finance Company ought to be writing to every recipient of a loan and every customer of HELMS to make them aware of the route to getting redress, if they need it?

Kelly Tolhurst: The Green Deal Finance Company will make those offers. If they are not accepted by the consumer, the onus is on them to recommend the case to the Secretary of State and for him to take the decision. That is the redress process that we have put in place.

Alan Brown: I thank the Minister for giving way again. She said that roughly 10% of people who have a HELMS green deal have instigated a complaint. Therefore, 90% of those sitting on these deals have not complained, and many do not even know that they have been conned. That is why the Government have a responsibility to contact them directly and begin investigating, to see what help they can give.

Kelly Tolhurst: If that has not already been done, I am sure it will be looked at. I am not sure whether it has been done or not, as I do not have that information.

Gavin Newlands: The Minister spoke about the compensation that effectively comes through the Green Deal Finance Company. Does she think it right that a private company, which had nothing to do with the initial mis-selling or scamming, is left to deal with this issue and possibly £20 million of compensation to consumers, instead of the Government, whose scheme it actually was?

Kelly Tolhurst: As a Government, we have worked with the Green Deal Finance Company to establish the redress system. That is why it can make offers and has done so. I will repeat the process again. If consumers are not happy with the offer that has been made, they can refer the case to the Secretary of State. We understand that only 100 offers have been accepted and 52 have been referred to the Secretary of State, so I encourage consumers to refer them to the Secretary of State. So far, only one decision has been taken on a HELMS case, but the Department is considering the evidence in other cases before the Secretary of State decides what sanction, if any, is appropriate. We expect more decisions to follow shortly.

From the outset, the green deal was subject to a monitoring regime administered by the Green Deal Oversight and Registration Body, which started investigating HELMS in October 2013 and concluded with a report in March 2015. Based on that report, the Government concluded that there had been significant consumer protection issues with the company, and the then Department of Energy and Climate Change imposed a final sanction on HELMS in November 2015. In September 2015, the Information Commissioner's Office issued HELMS with a £200,000 nuisance calls fine—its largest ever at the time—after ruling that it “recklessly broke marketing call regulations.”

Soon afterwards HELMS stopped issuing green deal plans, and in March 2016 it entered into liquidation.

I regret that it is taking some time to reach conclusions in many of the cases, but I would like to assure everyone that my Department is focused on progressing them as quickly and fairly as possible. We need to ensure the necessary evidence on substantive loss being incurred and to allow time for representations to be made.

Notwithstanding such mis-selling issues, let us be clear that solar PV in the UK is a success story, with rapid deployment over the last eight years. We are now exceeding our projections on solar PV deployment. In 2013 we estimated that solar capacity would reach 10 to 12 gigawatts by 2020, but the latest figures indicate that we now have over 13 gigawatts of solar capacity installed in the UK—enough to power over 3 million homes.

As I have said, I would be happy to meet with trading standards and the constituent of the hon. Member for Paisley and Renfrewshire North—I want to get a greater understanding—but will quickly answer some of the questions raised, so that the hon. Gentleman has time to wrap up.

I thank the hon. Member for Strangford (Jim Shannon) for his point about Northern Ireland. The green deal has not applied in Northern Ireland, because some of these matters are fully devolved. I thank the hon. Member for Glasgow North East (Mr Sweeney) for his comments. I would like to hear further information on the issues particularly affecting properties in his constituency, which I can pass on to the Secretary of State. I also thank the hon. Member for Central Ayrshire (Dr Whitford) for her comments. She is always a champion for her constituents, and where she feels there is an injustice, she stands up for them. The green deal framework ensures that payments should not exceed the period of the savings—over 15 to 20 years. Providers that do that will be found in breach and then action can be taken by the Secretary of State, including fines and stopping the actual deal. I would be interested to know about particular ongoing cases that may be of interest.

Unfortunately, we will probably never be able to completely eradicate mis-selling but, as a Minister in this Department, it is something I feel strongly about. Where it does happen, we will try to have the best processes in place to deal with it. I am grateful to the hon. Member for Paisley and Renfrewshire North for securing this debate and I look forward to seeing him in the future.

10.58 am

Gavin Newlands: I appreciate the Minister's response. Will she commit to answering in writing the questions that I asked? [*Interruption.*] For the record, she has nodded her head.

This has been an excellent and worthwhile debate. We have heard some shocking cases from across the country. The Minister's admission that the scheme is not perfect may be the line of the day, such is the scale of the understatement. My hon. Friend the Member for Kilmarnock and Loudoun (Alan Brown) noted that only 10% of HELMS customers have complained, which highlights the fact that so far we have only dealt with the tip of the iceberg. There is much more to come.

The Chamber might not be full, but I remind the Minister that, as she said, 3,000 homes in Scotland and around 4,500 across the UK have been affected. I accept that the Government did not intend this to happen. What has happened is the unintended consequence of ineffective regulation and oversight. There is nothing we can do about the past, but the Government can still do the right thing by putting a compensation scheme in place, tightening up the regulations for any future green deal offers and taking some responsibility. I urge them to do so as soon as possible.

Question put and agreed to.

Resolved,

That this House has considered home energy and lifestyle management systems and the Green Deal.

Future of BBC Parliament

11 am

John Grogan (Keighley) (Lab): I beg to move,

That this House has considered the future of BBC Parliament.

It gives me great pleasure to speak in praise of BBC Parliament, which is the most watched and most successful dedicated parliamentary TV channel in the world. In a good month, when there is controversy in this place, BBC Parliament has a reach of more than 2 million viewers. It is true that the average age of those viewers is quite high, with 60% of them over 60, but as I approach the age of 60—I would not presume to guess your age, Mr Robertson, but I am 57—I think that might not be such a bad thing, because many people involved in all our political parties are the “young retired”, which is a growing age group that needs to be served.

The whole population may not have noticed but BBC Parliament in its current form was under serious threat over the summer, and I want to speak in praise of the people, in this place and elsewhere, who saved it for the nation. Those people include the director-general of the BBC, Mr Speaker, the Lord Speaker, and the Chair of the Digital, Culture, Media and Sport Committee, the hon. Member for Folkestone and Hythe (Damian Collins). I intend to tell the story of what happened, which is a good story with a happy ending. I will do three things in my contribution: look at the history and the context of parliamentary broadcasting, consider the controversy over the summer, and try to point the way for the future. In 10 years, when, I anticipate, I will be retired and watching Yorkshire play cricket, where will BBC Parliament be?

While I was preparing for the debate over a cup of coffee in the Members' Tea Room, I looked up and saw a picture of John Wilkes, which reminded me that the reporting of this place has never been straightforward and simple. There has always been controversy. My 14th birthday, 24 February 1975, happens to be the day that this House debated whether to televise Parliament. In the end, the House decided not to televise Parliament but instead to start experimenting with radio. Coverage began on the radio, and BBC Radio 4 listeners were up in arms about the afternoon play being shoved aside sometimes, but the experiment went on, and three years later it was confirmed that the BBC and others would be able to broadcast parliamentary proceedings on the radio permanently. I remember when I was 18 listening to Michael Foot summing up for Her Majesty's Government against the vote of no confidence that finally brought the Government down by one vote. I remember being impressed by the atmosphere and the argument that night as I listened to the radio. That coverage was not easily achieved, however, and the debate then turned to television.

Mr Gregory Campbell (East Londonderry) (DUP): I congratulate the hon. Gentleman on a timely debate, given the context that he has laid out. He talks about things that are not easily achieved. Does he agree that, in a wider context, what should be more easily achieved within the BBC is more openness and transparency regarding how it commissions programmes, spends money and deploys resources? There has been a veil of secrecy over much of the BBC. I do not make any assertions

about BBC Parliament, but about the BBC more widely. We need to get to the nub of the matter in a wider BBC context.

I have applied for debates in this Chamber—thus far unsuccessfully, but hopefully I will be successful in the next few weeks—so that I can elaborate to some considerable degree on the complete lack of transparency and openness in the BBC more widely.

John Grogan: Openness and transparency are always to be encouraged. I wish the hon. Gentleman luck in pitching for a future debate, at which I hope to be present.

The debate about television and Parliament was heated. The late Howard Wilson, who was my father's hero, is mentioned in the Crossman diaries asking Crossman whether the BBC would be able to cut the video tape up, take a bit of speech and introduce it into a magazine programme. Crossman replied, “Certainly,” and Wilson concluded that that could not possibly be allowed. In the 1972 debate, the Conservative Back Bencher Brian Batsford said:

“The introduction of the cameras will bridge the gulf which has widened so much between Parliament and the people.”—[*Official Report*, 19 October 1972; Vol. 843, c. 468.]

The 1970s were a time of conflict in Northern Ireland and of industrial strife. The nation was divided, people said. One BBC executive said, perhaps rather hopefully:

“What then is our public attitude? It is to let the different voices speak for themselves.”

He was in favour of parliamentary broadcasting.

To move the story on, the other place was more progressive. It brought in cameras in 1983, some years before the Commons finally decided to do so in 1988, after no fewer than 11 debates in the preceding 14 years. Ian Gow was the first person to be seen on screen.

Without going into all the details, broadcasting in the '90s was organised through a consortium of cable channels that went under the name of the United Artists cable channel. It broadcast Parliament until 1998, but perhaps the viewing figures were not as high as it had hoped when it took on the contract, so it wanted to pull out. There was a big debate in this place about whether it was appropriate for the BBC to take over. The discussions and negotiations went on for some months, but then a deal was done between the BBC and Parliament and live coverage began. Connoisseurs of BBC Parliament will remember that in the early part of this century, the lack of bandwidth on Freeview TV was such that the pictures of the Commons in operation took up only a quarter of the screen and there were various captions. As the decade went on, digital TV improved and the BBC got more bandwidth, and we got BBC Parliament as we have it today.

That brings me to the second part of my remarks. This summer, the day after Croatia beat England in the World cup semi-finals—if there could be any bigger blow—it leaked out that, as part of several changes to political programming that the BBC was going to make, BBC Parliament was not going to continue in its current form. The proposal was not to totally discontinue the channel but to remove any of the associated programming. Even the captions were under threat. The BBC would have continued to take the feed from this place and the House of Lords and so on, but would not have broadcast

[John Grogan]

during parliamentary recesses. It would only do the very basics, and no doubt that that would have come under threat in years hence.

I am the vice-chair of the all-party parliamentary BBC group and I recognise the tremendous pressures that the BBC is under. It has to save £550 million by 2021-22. BBC News, which took the decision to try to scale back BBC Parliament, has to find £80 million in that period. I realise that there are challenges for the BBC management, but the cost of BBC Parliament is such that they would have saved only about £500,000 by getting rid of most of the staff. The transmission costs of BBC Parliament are nearly £7 million and another £1.7 million is spent on content and distribution, so the really significant money is in actually transmitting the channel, which I will come back to in a minute.

What happened then was that at a sitting of the Digital, Culture, Media and Sport Committee just before Parliament went into recess, Lord Hall was asked by the Chair if he would be pulling all of the additional edited programmes on BBC Parliament. Those programmes obviously include things such as the coverage of the conferences and of Select Committees, but there is also a book programme about political books and a host of programming based on anniversaries, including of general elections. Indeed, there was programme a few years ago on the anniversary of Winston Churchill's death, with a replaying of his funeral and so on. All this associated political programming would have gone. Recently, Steve Richards has done a series in the old style of A.J.P. Taylor really, just extemporising—rather like I am doing now—for a period to the camera, and his theme was “Prime Ministers” who never quite became Prime Minister, and so on. As I say, all of that programming would have gone.

Lord Hall suddenly said in reply to the Chair of the Committee:

“I want the edited programmes to continue. Let me just say we are constantly reviewing what we do...Could we do this better? Could we do it more effectively? But do not read into that necessarily something that we intend to do.”

That was a glorious moment. Some in the House may have watched “W1A”, a BBC comedy about the inner workings of the BBC—there was a similar comedy about the inner workings of the Olympics—and this was a “W1A” moment. The poor press officer at the BBC then had to issue a press release saying:

“As the director general has said, certain programming on BBC Parliament will continue as before”.

That was a very elegantly achieved U-turn.

Then the Speaker stepped in and he also made representations, so it looks now as though BBC Parliament will continue very much as before, with its current staffing levels, producing the range of programming that I have referred to. It really is important also to have the captions on the screen. Another programme that BBC Parliament has made is the “A to Z of Parliament”, which explains different things we do here in Parliament—for example, Divisions—to the public. In that sense, there is a good story to tell about BBC Parliament, but as I said earlier, today I want to look ahead and consider what BBC Parliament could be like in 10 years’

time. How can we attract more people—perhaps more younger people—to watch it and how can we take it forward?

I remember that about 10 years ago, when I was previously in the House, I worked with my hon. Friend the Member for West Bromwich East (Tom Watson), now Deputy Leader of the Labour party, to save BBC 6 Music and the BBC Asian Network on the radio. I would like BBC Parliament to improve and expand, rather like BBC 6 Music has in the 10 years since it came under threat. How might BBC Parliament do that? It is obviously a question of resources and so on, but if the BBC put its mind to it, working in association with the parliamentary broadcasting unit, it could do for Parliament what it has done for things such as the Olympics, the FA cup and so on. It is a common theme in the BBC now to have My BBC—a digital concept. If I am interested in Bradford City's results I can get an alert from the BBC about those results, or if I am interested in a particular area of news I can get alerts about programming in that area of news.

I think the parliamentary broadcasting unit now has, on some days, no fewer than 20 transmissions from various Committees around this House. There must be a way of linking those transmissions in to the promotional power of the BBC. Indeed, Lord Hall said in the Select Committee hearing:

“For example, could we...work with the parliamentary website to allow people to search more easily by topic, to have notifications when things are being brought up in the House? Could we extend our service in that sort of way, too, so that if you are particularly interested in...say the A303...every time that came up in Parliament you were told it was about to come up”.

I understand that Lord Hall, who has a very progressive vision, may well meet the Speaker to discuss that. As a vice-chair of the APPG on the BBC, I will write to the Speaker and the director-general of the BBC suggesting that the director-general to come into Parliament and perhaps have a seminar—if the Speaker would host that in his house, it would be great—about the future of BBC Parliament, with the authorities of the House present as well, to consider how we can improve the channel's digital output.

In years to come, TV will probably change again. In recent years, all TV sets have switched to digital. There was a tremendous effort by the private sector and the Government, who worked together to make that change happen. In the future, something similar will probably be done with connected TVs. At some stage in the future, we will probably all have connected TVs, so I guess that eventually the BBC will make savings on the transmission costs of BBC Parliament. In the years ahead, it is really important that BBC Parliament remains a terrestrial channel that everyone can access, regardless of income. I hope that that has been achieved, but it is also important that we consider how the broadcasting of this place, the other place, our Committees and so on can be reviewed, to refresh it for another age. I say that because one of the things that has happened in recent years is that many young people have become involved and interested in all sorts of politics. BBC Parliament has done a massive and magnificent job for our nation over the last 20 years or so, and I would like to see it doing a similar but different job in the years to come for the generations to come.

11.15 am

The Minister for Digital and the Creative Industries (Margot James): Thank you, Mr Robertson, for calling me to speak. This is the first time that I have served under your chairmanship, and I am delighted to do so.

I almost forgot that I had to respond to the debate, because I was enjoying the contribution by the hon. Member for Keighley (John Grogan) so much. I thank him for that and I congratulate him on securing this very important debate on the future of the BBC Parliament service. He made a marvellous speech, taking me back to the '70s, when my interest in politics was first inspired. He mentioned people such as the late and lamented Ian Gow, and he even alluded to that marvellous night—from my perspective—of the no confidence motion that brought Britain's first woman Prime Minister to power.

The hon. Gentleman also mentioned Harold Wilson, who he said was his father's hero. Actually, in my young years I revered Harold Wilson, as I believe did Michael Portillo, so he had many admirers; he was the most amazing politician and an inspirational figure of the '60s and '70s. I was also fascinated to learn that the House of Lords stole a march on us by five years; I did not know that it was the first House to agree to broadcasting and that it took the Commons so much longer.

The hon. Gentleman made various recommendations. I shall certainly listen to the programme by Steve Richards on the politicians who never quite made it to becoming Prime Minister. There might be a subsequent series called, "The Prime Ministers we never had—thank God!" [*Laughter.*] Perhaps I had better not dwell on that point. Nevertheless, the hon. Gentleman's contribution was fantastic and I learned so much from it.

The BBC is rightly one of the UK's most treasured institutions. It sets a fantastic example as a world-leading—indeed, the world-leading—public service broadcaster. There are BBC programmes that are perhaps off the point of this debate, such as "Planet Earth", "Strictly Come Dancing", the "Today" programme—I am sure we all enjoy that—and "Bodyguard", but all of those outputs come from the licence fee, which allows the BBC to reach UK audiences everywhere, through the TVs in our homes, the radios in our cars and, of course, the devices in our pockets or on our wrists.

Mr Gregory Campbell: I thank the Minister for giving way. Does she agree that, despite having outlined some of the magnificent programmes that the BBC makes, there are issues with the BBC in a wider sense? For example, I have just come today from the National Audit Office in London, as I am trying to establish more openness and transparency for the BBC. Given that it receives almost £4 billion of licence fee-payers' money from the public purse, it needs to be much more open about how it spends that resource and accounts for spending it.

Margot James: I think that all large organisations are on a journey to become more transparent and accountable. Indeed, the BBC's annual plan sets out clear commissioning priorities, and transparency is fundamental to that. I do not know whether the hon. Gentleman is aware of this, but Ofcom is currently consulting on the commissioning process, including the transparency of that process. If that consultation is not yet closed, I urge him to contribute to it. Ofcom expects to make a statement about the matter by the end of this year.

Crucial to the BBC's duty to provide impartial and accurate news and information is the building of people's understanding of the UK, its democratic processes and the wider world, so that all audiences can engage fully in those processes as active and informed citizens. I am sure that the hon. Member for Keighley is aware of the BBC's Democracy programme, which is all about facilitating greater democratic accountability and participation at a local level.

Scrutiny of politics—local and national—is vital, and the BBC provides a window for the public into discussions and debates. I did not know that the parliamentary broadcasting unit broadcasts an average of 20 different sessions of Parliament a day. That is absolutely fantastic, and BBC Parliament is an absolutely key part of delivering that unique responsibility, providing unparalleled openness and transparency by allowing viewers direct access to everyday political activities, not just here in Westminster but in Holyrood, Stormont—when it is sitting—and Cardiff, and helping them to make sense of the business of politics, through clear insight and explanation and links to other BBC sources. The channel contributes directly to genuine engagement in UK political life through the programmes it shows. Live daily coverage of how decisions are made and how the public is represented allows people to watch and listen to their representatives and hold them to account, and viewers can watch repeats of sessions on topics they are passionate about but may have missed because of the demands of everyday life.

As I said, BBC Parliament delivers significant coverage throughout the UK's regions, showing, in the last year, 427 hours from the devolved Assemblies—an enormous amount that exceeds Ofcom's quota for the channel. That coverage provides a critical link between voters and their representatives, and shines a light on the issues that affect everyone, regardless of where they live and work. That is an encouraging sign that the BBC is fulfilling its public duties, and it demonstrates the value of the BBC Parliament service.

In addition, weekly edited BBC Parliament programmes, such as "Today in Parliament", which I enjoy, when I can, at 11.30 in the evening, and "The Week in Parliament", deliver tailored insight into and analysis of the business of the day. A great example, which regrettably I am yet to see, is "Suffragette Allies", which was broadcast as part of the BBC's year-long celebration of the centenary of women's partial suffrage.

BBC Parliament, as the UK's only channel dedicated exclusively to politics, is an example of the public service ethos that lies at the heart of the BBC, providing a service that cannot be provided by anyone else. The monthly reach of the dedicated parliamentary channel is almost 2 million viewers and listeners, and the average BBC Parliament viewer watches the channel for almost two hours a week, which is a significant volume of viewing by person and speaks to the value that the channel delivers. The hon. Member for Keighley noted the average age of the viewers and listeners—I am that age, being over 60. However, although I am passionate about encouraging the BBC to attract younger viewers and listeners, we do not want that to be at the expense of, but rather as well as, people over 60, or 50, or any other age. It is all to the good that BBC Parliament will remain, and I was interested in his comments about its future.

[Margot James]

All of that is delivered with a content spend of only £1.6 million, which was just 0.1% of the total BBC television content spend last year. I am not privy to the reasons for the BBC's review of the channel, but the golden rule about saving money that I followed when I was in business was, "You can only save money from where money is." As that 0.1% is a very small budget to start with, I trust it will be safe from that kind of scrutiny. It obviously needs to deliver value, but the hon. Member for Keighley and I have made clear the enormous value that such a modest spend generates. At a time when misinformation and fake news are rife, safeguarding trusted, impartial and accurate political coverage for audiences in the UK and beyond is more important than ever.

Underpinning all of that is the BBC's independence. As hon. Members know, the BBC is operationally and editorially independent from the Government, and rightly so. Independence means that the BBC can make tough editorial decisions to robustly hold Parliament and the devolved Assemblies to account, and to scrutinise our actions without fear of reprisals. Independence allows the BBC to help voters understand and engage with parliamentary and political events. Voters trust that BBC coverage is accurate and impartial. I know that there are challenges to that trust, because I receive letters from people—

Mr Gregory Campbell: So do I.

Margot James: I am aware of the hon. Gentleman's earlier comments. Trust must constantly be earned; it can never be taken for granted.

The welcome news, which the hon. Member for Keighley mentioned, is that the BBC recently announced that its planned cuts to edited daily and weekly BBC Parliament programmes will not now go ahead. I am very pleased

to hear that decision, which I am sure we all welcome. I am reassured by the BBC's comments to me that political and parliamentary content has a strong future on the BBC. I trust that the BBC will take note of the hon. Gentleman's good ideas about looking to the future of the parliamentary broadcasting unit, with the development of artificial intelligence, notifications and all manner of automatic transmission opportunities that are more personally targeted at viewers' and listeners' interests. There is a great future in that. The hon. Gentleman has invited the director-general into Parliament, and I will encourage him to take up that invitation and join in any meeting that can be convened.

In an increasingly digital world, I am excited to see how the BBC has responded to the campaign. I wholeheartedly support its ambition and look forward to hearing further about its plans for the parliamentary broadcasting unit, which does such valuable and important work. I now leave a few minutes to the hon. Gentleman, in case he wishes to contribute further.

Mr Laurence Robertson (in the Chair): He cannot do so.

Margot James: I am never quite sure, Mr Robertson; I have done these debates so often and in some I have been admonished for not leaving time.

I could never run out of things to say about the BBC. We are so fortunate in this country to have this truly great public service broadcaster. I am grateful, again, to the hon. Member for Keighley for teaching me so much about the parliamentary broadcasting unit and its offer, and some of the history of the whole thing. It has been marvellous.

Question put and agreed to.

11.28 am

Sitting suspended.

Drugs Policy

[MRS MADELEINE MOON *in the Chair*]

2.30 pm

Ronnie Cowan (Inverclyde) (SNP): I beg to move,
That this House has considered drugs policy.

The UK's drugs policy is not just a combination of the Misuse of Drugs Act 1971, the Psychoactive Substances Act 2016, and a host of schedules and classifications; a range of laws has been developed and put in place over the years, guided by our perceived knowledge and our current attitude. We put those laws in place because we thought it was the right thing to do, and I believe that we got it wrong.

Outwith drugs law, we have laws that regulate the production, distribution, marketing and consumption of alcohol. Alcohol is an interesting case, because it is not included in the Misuse of Drugs Act 1971. It remains socially acceptable. It is consumed openly at christenings, naming ceremonies, weddings, civil partnerships and even funerals—society finds a place for alcohol at hatches, matches and dispatches. However, it was not always that way. Prohibition and abstinence were once very strong movements. In the 1920s, some states in the USA made alcohol illegal, and something strange happened. Prohibition, rather than stopping people drinking alcohol, delivered production, distribution and consumers into the hands of criminals who recognised a money-spinning venture when they saw one. The product became more potent, because that meant distributing smaller quantities while maintaining profit margins, and criminal gangs used extreme violence to protect their territory from rival gangs or gangsters. Levels of violence spiralled, and more and more people were criminalised for using alcohol. According to the academic and historian Michael Lerner:

“As the trade in illegal alcohol became more lucrative, the quality of alcohol on the black market declined. On average, 1000 Americans died every year during the Prohibition from the effects of drinking tainted liquor.”

When prohibition ended, levels of crime dropped dramatically and people's health improved. They continued to drink alcohol, but the product was quality controlled and monitored, and nobody had to use violence to protect their market.

To this day, alcohol continues to damage people's lives and ruin their health, but it is legal and regulated. Increasingly, people can find educational support, because they have no fear of being criminalised. Maybe in an ideal world, everybody would be so happy and content—so free of stress and anxiety, so confident and self-assured—that there would be no requirement for alcohol, or indeed any recreational drugs. However, we do not live in that ideal world, and we never have. Throughout history, for a variety of reasons, people have taken drugs. One hundred years ago, people could buy cocaine, heroin or morphine at pharmacies and department stores. During the first world war, Harrods sold kits with syringes and tubes of cocaine and heroin for the boys on the frontline. Queen Victoria recommended Vin Mariani—wine laced with cocaine. Anthony Eden was prescribed purple hearts throughout the Suez crisis. Those people lived under what was termed “the British system,” which was a light-touch approach to drug consumption, one of tolerance and treatment.

Things changed during the 1960s. In 1961 the UN single convention on narcotic drugs was passed. It was not popular in the UK, because we could see that the British system was working. That convention, driven by prejudice, became the only UN convention ever to use the word “evil”. Torture, apartheid and nuclear war do not warrant the term “evil”, according to the UN. Genocide is referred to as “an odious scourge” or “barbarous acts”. The term “evil” is reserved for drugs—drugs that had previously been available in many different guises in high street pharmacies. The stigmatising of users went up a gear. In 1971, through the Misuse of Drugs Act, criminalisation became the name of the game. The result has been years of violence, tensions and organised crime, and a monumental increase in addiction.

Kelvin Hopkins (Luton North) (Ind): I congratulate the hon. Gentleman on a first-class speech. Could he say roughly what proportion of people in prison are there because of the drugs trade? What are the costs to the criminal justice system, and what is the total social cost of drugs? I hope he will cover those points in his speech.

Ronnie Cowan: I did not know there was a quiz. I have a prison in my constituency—I was talking to its governor two or three weeks ago—and the majority of the prisoners are there for offences related in some way, shape or form to the consumption or sale of drugs, or to the drugs market and the violence around it. We also know that there are more drugs, particularly synthetic drugs, available in our prisons than out on the streets.

Members will be glad to hear that the Office for National Statistics began collating consistent data on drug deaths in England and Wales from 1993. Those figures show an increase in drug misuse mortality rates among both men and women since 1996. UK opioid-related deaths rose between 2012 and 2015, increasing by 58% in England, 23% in Wales, 21% in Scotland and 47% in Northern Ireland. UK Focal Point on Drugs estimates that the number of problem drug users is 300,000 in England, 60,000 in Scotland and 30,000 in Wales. Those statistics are the result of current drugs policy, and behind those statistics are lives in ruins.

I fully understand why people exposed to the cruelty inflicted on their loved ones by current drugs policy would want to lash out in retribution. If somebody provided one of my loved ones with a pill at a music festival, and that pill killed them, my initial reaction would be to hunt the seller down like a dog and have them strung up. I would be wrong. At the next festival, another person would be selling the same drugs to other people, and another tragedy would unfold. This understanding is exemplified by the members of Anyone's Child, who have been directly affected by the loss of, or damage caused to, a close friend or family member. Those people understand that vengeance will not bring back their loved one or undo the damage done. They understand that unless we change our current drugs policy and how we enforce it, more innocent people will die. It is their desire that their experience of loss does not fall on anyone else's family member or friend. Is the Minister prepared to sit down and talk with members of Anyone's Child? Nothing?

Grahame Morris (Easington) (Lab): I congratulate the hon. Gentleman on securing the debate and making some powerful points. He and I both attended a recent

[Grahame Morris]

meeting of the drugs, alcohol and justice cross-party parliamentary group, on the topic of drug-related deaths, where we heard Rudi Fortson QC explain how policies could be readily implemented to reduce drug and alcohol-related deaths. Does he agree that it would be good for Ministers to meet Rudi Fortson and hear what policies could be applied instantly that would make a big difference?

Ronnie Cowan: It is always good when I hear that people like Rudi Fortson QC—a person who has lived his life through the law—are looking at the current situation and thinking, “We have to change this.” It backs up everything I believe, but Rudi Fortson’s background makes him much more qualified in those terms than I am. I wonder whether the Government are engaging with people of his calibre.

Last week, Canada joined nine states of the USA and Washington DC by legalising recreational cannabis. Various provinces of Canada have taken different approaches regarding age limits: some allow people to grow their own cannabis, limiting them to four plants, while others do not allow home growing. We should be looking to those parts of the world to gather evidence and decide whether their approach is beneficial, and whether we should follow suit. Canada has the same problems as us but, like Portugal, Uruguay and other countries, it has taken a different approach to providing a solution. That solution is not “drugs for everybody”; it is “regulate the marketplace and take control away from the criminals”.

In the UK, parents who fear that their child might be dabbling in drugs, or even developing a habit, are extremely reluctant to engage with support groups that could divert their child from the path they are on. The parents are reluctant because they do not want to place their child on the police radar. They fear that their child could be arrested, get a criminal record or even be sent to prison. Early intervention can be the key to avoiding drug-related harm, and we should not be putting obstacles in the way of those who could be affected. We must encourage users to engage without fear of prosecution and free up police time and resources to fight crime. Will the Minister tell me whether the UK Government have engaged with other countries to access their research, which could assist us in becoming better informed and in taking an evidence-based approach to legislation? We need to listen to those affected, who can see a need for change but are not in a position to effect it.

Prior to this debate, the Westminster digital engagement team put out an appeal on social media, advertising the debate and asking the people of this country, “What do you think?” Nearly 20,000 people were engaged. The majority of the responses came back saying, “Legalise cannabis.” Some called for drugs to be regulated and taxed. A few said that they had lost loved ones as a result of the current policy. Some commenters called for drug addiction to be seen as a health issue, rather than a criminal one. Lots of commenters called for the UK to take the same approach as Portugal. That is the people of this country talking.

The problematic users, the kids on estates recruited to county lines, the medical professionals, the support workers and the law enforcers should be listened to. Peter Bleksley was a young cop during the Brixton riots.

He went on to become one of the Met’s most celebrated undercover agents. He was a founding member of SO10, Scotland Yard’s dedicated covert policing unit. He said:

“I look back now and think, well, are there less drugs and guns on the streets because of what my colleagues and I did? And of course the answer is an emphatic, NO. We could wallpaper my bedroom with commendation certificates—they sit in the loft gathering dust. What a waste of time.”

Mary Glendon (North Tyneside) (Lab): The UK Government spent an estimated £1.6 billion on drug law enforcement in 2014-15. Drug treatment has been cut by 14% in the past couple of years. Does the hon. Gentleman agree that that is a false economy, especially as Public Health England estimates that for every pound spent on drug treatment, there is a £4 social return?

Ronnie Cowan: I absolutely agree. If we could see the results from the money being spent on the criminal justice system, I would back off and say, “Well, it is working”, but it clearly is not. To extend the hon. Lady’s point, every £1 spent on early intervention saves £7 in the criminal justice system further down the line. Even if someone does not give a damn about these people, it makes good financial sense to step in anyway and get early intervention.

Peter Bleksley is not alone. A host of personal testimony has been gathered by the Law Enforcement Action Partnership. I will offer four more examples from these experts. Patrick Hennessey, a British Army officer in the Grenadier Guards who served in Afghanistan, said:

“In Afghanistan I fought on one ‘front-line’ of the so-called ‘war on drugs’ and in Hackney I live side-by-side with the other and it’s obviously failing at either end. If real generals pursued an actual war like generations of politicians have pursued this farce they’d be court-martialled and sent to prison.”

Paul Whitehouse, chief constable, said:

“Far from making communities safer, current drug laws have the unintended consequence of placing barriers between the police and often vulnerable individuals.”

Graham Seaby, a former detective superintendent in the international and organised crime branch of New Scotland Yard, said:

“The drug problem will continue and escalate if governments fail to recognise that the only way forward is to move towards nuanced regulatory models, thus removing the profit from criminals, and the motivation for their involvement.”

Francis Wilkinson, chief constable, said:

“The single greatest crime reduction measure the world could take would be to regulate the supply of cannabis, cocaine and heroin.”

Neil Woods, 14 years an undercover drugs cop, would say exactly the same things. Ron Hogg and Arfon Jones, both police and crime commissioners, say that drugs must be a health issue, not a criminal justice one.

Every time we lock up a criminal gang or announce to the media that we have seized a large quantity of drugs with a street value of so many millions, what they do not say is that that supply has been disrupted for an hour or so. Another gang will step into their shoes and maintain distribution. Often those takeovers involve a spate of violence, and such networks are always maintained by violence and the threat of violence. The fact is that after 30 years of locking people up, a bag of cocaine that cost £10 in 1980 will cost £10 today for the same weight. However, because cocaine is so plentiful, it is purer in the UK today than it has ever been. The damage being inflicted on people and communities will

continue to increase if all we do is crack down on the criminal fraternity and those ensnared in problematic drug use. We can lock people up for longer, but it does not improve their situation one iota; in fact, it makes it worse. Will the Minister meet and listen to members of the Law Enforcement Action Partnership?

In July 2017 the UK Government published their drug strategy and announced that they would appoint a recovery champion, whose role was defined as someone who would

“be responsible for driving and supporting collaboration between local authorities, public employment services, housing providers and criminal justice partners, ensuring that these critical public services are able to contribute fully towards securing effective outcomes for individuals suffering drug dependence.”

Fifteen months later, there is still nobody in the role, so nobody is co-ordinating those aspects of the support and recovery programme. I find myself wondering whether there is a UK Government harm reduction recovery programme. When will the Minister appoint a recovery champion?

As legislators, we have a choice. We can change the law. In doing so, we can address the harm that drugs do. Before that, we have to take a constructive approach to our drugs policy. We need to accept that 90% of people who use recreational drugs do not live chaotic lives. We must acknowledge that of the 10% of users who become problematic users, the majority have suffered physical, psychological or sexual abuse. We must acknowledge that problematic use is higher in areas of social deprivation. We must accept responsibility for trying to find solutions and acknowledge our failures. We need to help people with problematic drug use through harm reduction, treatment and wraparound support. Criminalising users does not deal with the underlying issues that lead to drug use; it only makes things worse.

We should have a network of safe drug consumption rooms throughout the UK. They have proved to be a success in Switzerland, Canada, Spain and a growing number of other countries. We must be prepared to learn from other countries' experiences. The emergency services should carry naloxone and be trained in its use. Will the Minister reconsider legalising safe drug consumption rooms and ensure that naloxone is provided for members of the emergency services? Most importantly, UK drugs policy should be a health issue, not a criminal justice one. Alternatively, we can continue to criminalise users and drive them into the hands of unscrupulous dealers, while ignoring the atmosphere of fear that they live in. All we do is marginalise, stigmatise and ostracise them.

Crispin Blunt (Reigate) (Con): The hon. Gentleman has just moved on from the subject of drug consumption rooms, but did he note that after his last debate on drug consumption rooms the International Narcotics Control Board produced a report effectively endorsing them. That came from the body responsible for the international enforcement of the relevant drugs conventions, which I know he and I think are outdated and dangerous, frankly, in the global consequences they deliver on drugs policy. If even the INCB is in that place, I hope our Government will take some notice.

Ronnie Cowan: I noticed a couple of things after that debate. In it, the Minister denied that Canada had kept its drug consumption rooms open because they are effective. She made a statement that the Canadian Supreme

Court had ordered them to stay open. On the back of that, the Canadian Drug Policy Coalition, the Canadian HIV/AIDS Legal Network and the International Centre for Science in Drug Policy wrote a five-page letter to the Minister and I, detailing how the DCRs are working effectively in Canada and why they have been kept open. They described her statement as

“neither factually nor legally accurate.”

We have lost the war on drugs. Our drugs policy saw to that. We need to change our mindset and ensure that we are in a position to win the peace. Finally, when we see a problematic drug user, we are watching a person drowning. We should throw them a lifebelt, not push their heads further under the water.

2.49 pm

Douglas Ross (Moray) (Con): It is a pleasure to serve under your chairmanship, Mrs Moon. I congratulate the hon. Member for Inverclyde (Ronnie Cowan) on securing the debate. It will soon become apparent that I disagree with large parts of what he has said; in a democracy it is quite correct that we can take two sides of the same argument. However, I agree that the effects of drug use, and the deaths caused by it, have an impact on each and every one of our constituencies.

Drugs and drug addictions are among the worst scourges of our society today. According to the National Treatment Agency for Substance Misuse, the cost to the UK economy of drug misuse is more than £15 billion a year. Far more importantly, drugs destroy lives and livelihoods, tear apart families and communities, and fuel crime and exploitation. Although the number of drug users is falling, the number of people dying or being admitted to hospital due to drug use is on the increase.

In Scotland, it is nothing short of a crisis. The rate of drug-related deaths in Scotland is considerably higher than in England and Wales. It is estimated to be the highest in Europe, yet every year the number of deaths hits a new record high. The same goes for hospital admissions. In 2016-17, the rate of people being admitted to Scottish hospitals in relation to opioids, cannabinoids, cocaine, and sedatives and hypnotics reached new records.

The crisis can and will get worse. The county lines operations, which the hon. Member for Inverclyde mentioned and which are spreading across the UK, bringing a supply of drugs to rural communities across the country, are particularly concerning for me as a Member of Parliament for a rural constituency. We know from examples abroad, most notably in America, how the supply of drugs to rural areas can bring devastation to those communities.

The challenge facing the Scottish Government, the UK Government, and all of us is not just to stop the problem spiralling out of control, but to turn the tide altogether and tackle the havoc that drugs are wreaking on so many lives. More certainly needs to be done to treat people who have become addicted to drugs.

Kelvin Hopkins: The hon. Gentleman mentioned the cost to society and to the Government of £15 billion a year. How much would it cost if the Government changed their policy, and heroin addicts went to their local NHS clinic to get their fix in the morning and evening and there was no drug crime at all because it was free at the point of need, administered by the national health

[Kelvin Hopkins]

service? How much would the Government save? The financial arguments might have greater appeal than other arguments.

Douglas Ross: To borrow the phrase of the hon. Member for Inverclyde, I did not realise that this was a quiz. I do not have those figures to hand.

Labour Members mentioned past cuts to alcohol and drug partnerships, and received some sympathy from the Scottish National party Member leading today's debate. Yet the SNP-led Scottish Government have not helped, especially considering their cuts to alcohol and drug partnerships in Scotland. The money spent is being reduced not just here in England, but in Scotland under an SNP-led Government.

Likewise, the forthcoming revision of the Scottish Government's national drug strategy cannot come a moment too soon. The current strategy is a decade old, but reflects a much older approach, where instead of helping people to defeat their addictions, they are put on, for example, endless methadone programmes. Is it any surprise that the proportion of people dying from drug overdoses who are on methadone has risen from 21% in 2009 to 37% in 2016? The new strategy, which comes out next month, must address that, and focus on beating addiction completely.

Ronnie Cowan: I wonder whether at some point the hon. Gentleman will offer some solutions, or is he just going to try to pick apart what we currently have? I have admitted that the current systems are damaging people. We are trying to build solutions—has he got any?

Douglas Ross: I am not sure that we heard any solutions from the hon. Gentleman. Normally in such debates we hear about how great things are in Scotland. As a Scottish Member of Parliament, I think it is appropriate, when we are discussing an issue that is of importance to the United Kingdom, that we put it into context.

I invite the hon. Gentleman and the Scottish Government to consider the "National Drug-Related Deaths Database (Scotland) Report", from June this year, which said that the Scottish Government's flagship take-home naloxone programme

"has not prevented substantial increases in opioid-related deaths in Scotland."

That is a quote from a report in June this year. [Interruption.] If the hon. Gentleman would like to question that report, I will give way again.

Ronnie Cowan: Absolutely. We are in the process of rolling out a naloxone project in Scotland that has been taken on board. I visited drug consumption rooms in Barcelona during the summer. Quite unsolicited, the staff mentioned to me the good work being done by the Scottish Drugs Forum and the naloxone programme. They have taken it on board in Barcelona, and it has been a terrific success.

Douglas Ross: I am not sure whether the hon. Gentleman is questioning me or the "National Drug-Related Deaths Database (Scotland) Report". That report, which was issued in Scotland in June, said that the Scottish Government's policies have not reduced the number of people dying from related illnesses.

Dr Dan Poulter (Central Suffolk and North Ipswich) (Con): It makes good sense, and is soundly medically based, to give people who may take an overdose a way of correcting that overdose with a lifesaving intervention. That has to be a good thing to do. I understand that there are tensions with the SNP on this issue, but it is considered good medical practice to do exactly as is being recommended in Scotland and in England.

Douglas Ross: I know that my hon. Friend and I disagreed in our last debate on UK drugs policy in Westminster Hall. These are not my conclusions, but those of a national report that has looked into the policies of the Scottish Government and said that, however well-meant the policies are, they have

"not prevented substantial increases in opioid-related deaths in Scotland."

Mr Paul Sweeney (Glasgow North East) (Lab/Co-op): Will the hon. Gentleman give way?

Douglas Ross: I am sorry—I have given way a few times, and I know that a number of Members wish to speak.

We need an approach to addiction that is more ambitious than methadone and take-home naloxone, and certainly more ambitious than self-injection rooms. We need an approach that puts recovery first, but we need to tackle addiction and the drugs trade together, because there are no victimless crimes in drugs. We cannot simply separate it into matters of public health and criminal justice, because recreational use, addiction, exploitation by gangs and suppliers, and the supply chains of drugs into and across the country are all bound together.

If we want to give people the best chance of recovery from addiction, we have to tackle the supply chains. That means enforcing the law properly, not soft-touch sentencing and back-door decriminalisation. By making it harder to import, produce, supply and possess drugs, we make it easier to get off drugs and overcome addiction. From the Psychoactive Substances Act 2016 to the new financial crime unit to seize the assets of drug lords, and to the recently announced review into the link between the drug market and violent crime, the UK Government have demonstrated that they recognise that. I only hope that the Scottish Government recognise it too, and act before the crisis gets any worse.

2.56 pm

Grahame Morris (Easington) (Lab): It is a pleasure to serve under your chairmanship, Mrs Moon. I congratulate the hon. Member for Inverclyde (Ronnie Cowan) on securing this important debate.

I think the tide is turning in terms of people's willingness to look at the evidence, whatever preconceived ideas they have. I must admit that I am a convert; I have looked at the evidence and realised that what we have been doing for the last 50 years is not working. I have been out with the police on drug raids in my constituency. I have seen the effects in older industrial areas where these problems are manifesting. We need a new approach.

I will focus my remarks on one issue, which the hon. Member for Inverclyde has already touched on, that I would like the Minister to consider: consumption rooms. I am looking for the Minister and the Home Office to

empower and resource police and crime commissioners, and allow them to take some progressive actions and interventions. For example, in pilot areas, where there is support for such an initiative, there could be medically supervised consumption rooms to treat addicts and reduce crime.

For members of the public who may be alarmed at that prospect and are unsure what a drug consumption room is, it is a supervised clinical environment where people with a diagnosed drug addiction are provided with medical-grade heroin, clean equipment and facilities to safely dispose of used needles. In debates in public and in this place, they have been unfairly characterised by opponents and, more disappointingly, by organisations such as the BBC, which I would hope would take a more careful and considered view on the use of such terminology, as “shooting galleries”.

Mr Sweeney: My hon. Friend makes a powerful point about the effectiveness of safe drug consumption rooms—a critical issue for my constituency, where the drug-related death rate is 1,000% higher than the EU average. Glasgow also has an HIV epidemic. Does he agree that there is a real concern that correlation may be confused with causation? Much of the evidence that has been cited to show that safe drug consumption rooms are not effective does not necessarily show that.

Grahame Morris: It is really important that policy be evidence-based. With all due respect to the hon. Member for Moray (Douglas Ross), many of whose concerns I share, shooting galleries do exist. We might not like it, but they exist, unauthorised and under no medical supervision, in our communities, in private dwellings, in derelict properties, in residential areas, near schools and behind shops. *[Interruption.]*

Mrs Madeleine Moon (in the Chair): Order. There is a Division in the House. I shall suspend the sitting for 15 minutes if there is one vote, or 25 minutes if there are two. We shall resume as soon as hon. Members return and Grahame Morris is in his place.

3 pm

Sitting suspended for Divisions in the House.

3.23 pm

On resuming—

Grahame Morris: Before we were summoned to vote we were talking about drug consumption rooms. If it is in order, Mrs Moon, I will remind the Minister that she pointed out that she believed that such drug consumption rooms were currently available. Perhaps she can clarify that in her closing remarks, but currently users buy drugs of unknown strength or quality and inject what is in many cases poison, with dirty or used needles, which can be discarded on the street for a child to pick up or a pet to stand on. Without any other option, that seems to be the Government’s preferred drugs model. It is a system that funds criminality, maximises harm for users and puts children and communities at risk.

Why have I changed my mind to support drug consumption rooms? Many Members may have had the same experience that I have had. Not a week goes by when I do not receive inquiries. Constituents send me photographs of used needles discarded in the street, at intolerable risk to public health. I firmly believe that

consumption rooms would substantially reduce the public health risk, by closing down illicit shooting galleries and moving things to a clean, safe clinical environment away from residential areas, where needles can safely be discarded and those with addiction issues can engage with health services and move towards a drug-free life.

I understand that supervised heroin treatment costs about £15,000 per year per patient. However, that is three times less than the cost of keeping someone in prison—the most likely destination for someone committing crime to fund a drugs habit. My hon. Friend the Member for Luton North (Kelvin Hopkins) asked about that. As has been mentioned, it will be no surprise that more than 80% of the adult prison population reported using illicit drugs at some point prior to entering prison, and almost two thirds admitted using them in the month before they entered prison. More than 40% of prisoners have used heroin.

Dealing with one problematic adult drugs user costs society about £45,000 a year, and estimates suggest that illegal drugs cost the UK taxpayer as much as £16.5 billion a year. So there are wider costs than the purely financial considerations of drug treatment. The Home Office suggested that about 45% of acquisitive offences are committed by regular drug users—heroin, crack and cocaine users. Crimes such as theft, burglary and robbery, which are common in many communities, can often be traced back to those who are trying to fund drugs habits, and it is those types of crime that the police struggle to investigate, to detect those responsible. That type of crime may be considered petty or low level, but it has a significant impact on the victims and on their confidence in the police, their personal safety, and their security in their homes.

Another cost to consider is the £7 billion drugs market that funds organised crime. The 50-year war on drugs is failing to resolve it. Treating drugs use as a health issue rather than a criminal justice matter will strangle the illegal market and take power away from the dealers. We have previously heard testimony or quotations from serving police officers. There is ample evidence from people at the sharp end, including a former police officer, Neil Woods, who worked in undercover drugs operations for 14 years and wrote a best-selling book called “Good Cop, Bad Cop”, which was recommended to me by a superintendent in my area.

Crispin Blunt: It was called “Good Cop, Bad War”.

Grahame Morris: The hon. Gentleman is absolutely right; I apologise. The author said that, for all the users and dealers he helped to put behind bars, he disrupted the £7 billion British drugs trade for less than a day. Clearly, what we are doing is not helping. We are losing the war on drugs and failing to protect the public. I implore the Minister to accept that, after 47 years, the Misuse of Drugs Act 1971 is not fit for purpose. The drugs mortality rate in the north-east is twice that of the west midlands and three times higher than that of London. The costs are simply too high. I hope that the Minister will facilitate a new approach to drugs and empower those who are in authority in my constituency.

Mary Glendon: As to those statistics, the fact that the north-east has a far higher rate of death from drug misuse compared with London shows that there must

[*Mary Glindon*]

be a link between deprivation and drug use. I think Alex Boyt, of Blenheim, would like that to be looked at further. Does my hon. Friend agree?

Grahame Morris: I am not an expert, but it seems there is a correlation between areas of deprivation and areas with a high incidence of drug-related death. There is a lot of evidence out there, and from anecdotal experience it seems that an issue that was confined to the big cities is now commonplace in older industrial communities, such as the areas and villages that I represent.

Ronnie Cowan: I have seen a slide that shows the areas of greatest deprivation in the United Kingdom, and if a matching slide is put beside it that shows the areas where most harm is done by drugs, those maps pretty much match each other slide for slide.

Grahame Morris: Absolutely—I thank the hon. Gentleman for that clarification. In conclusion, I implore the Minister to facilitate a new approach to drugs policy and to empower authorities in my constituency, such as our police and crime commissioner, Ron Hogg, and Chief Constable Mike Barton—in the only police force in the country rated outstanding by Her Majesty’s inspectorate of constabulary—who want to try a new approach. Will the Minister allow a pilot scheme so that we can at least evaluate the evidence and see whether it works, as many experts believe it will?

Several hon. Members *rose*—

Mrs Madeleine Moon (in the Chair): Order. I now call Jim Shannon, but seven Members still wish to speak before I call the Front-Bench speakers at 3.54 pm. Could we please have restraint from hon. Members, so that we can hear from as many of those who put their name forward to speak as possible?

3.31 pm

Jim Shannon (Strangford) (DUP): I will adhere to your guidelines, Mrs Moon. I thank the hon. Member for Inverclyde (Ronnie Cowan) for securing this important debate. He will be well aware that we approach this topic from different angles, but I am grateful for the opportunity to contribute.

I am deeply concerned about Canada’s recent decision to legalise cannabis—undoubtedly the driver behind today’s debate—and its potential impact in the UK. That said, my concern lies with the legalisation of cannabis for recreational use, rather than medicinal purposes—indeed, I am pleased that the Government are conducting a review into the use of cannabis on medical grounds, which I fully support. Today, however, I want to talk about the negative impacts and dangers of legalising cannabis for recreational use. The hon. Member for Easington (Grahame Morris) referred to mortality rates in England, and the figures are clear. The number of deaths among both males and females continues to rise, and that is due to many things, including heroin and morphine abuse, but I want concentrate specifically on cannabis. I will come to the side effects and dangers of legalisation later, but first I will consider

the rationale for legalising cannabis use—as a bid to reduce the number of criminals who make money from selling cannabis illegally.

Taking money from criminals and reducing the amount of goods on the black market sounds like a no-brainer, but will the policy of legalisation really make the fundamental changes that President Trudeau envisages? Under the new legislation, it will still be illegal to sell cannabis to under-18s—under-19s in some provinces—and illegal to buy it from anyone who is not a licensed dealer. To my mind, it is simple: the policy will not stop criminals making money. Minors will still have access to drugs, and it is they who are most at danger from the side effects of cannabis use.

Short-term effects of cannabis include confusion, anxiety, sleepiness, memory loss and feeling sick or faint. There are also effects on a person’s ability to learn or concentrate, as they become uninterested or demotivated. People begin to use the drug in their teens. In my constituency I am well aware of the problems caused by illegal drugs, which are usually peddled by paramilitaries and criminals to anyone who wants to buy them. Those who do not want to buy drugs are recruited, and my constituents have seen at first hand the detrimental effect on the health of those who became involved with drugs at an early age, and indeed on their families who have to pay back the debts. There is a spiral of drug use.

The figures speak for themselves. According to the Canadian Centre on Substance Use and Addiction, cannabis use in Canada is slowly on the rise. It tends to be younger people who use the drug and they are the ones most at risk, yet the new legislation does nothing to safeguard minors. We need to protect the poor, the needy and the vulnerable—that is the thrust of all our comments today. We just have different ways of doing that. Making a drug legal simply makes it more accessible and incentivises those who may not have used it previously—perhaps those in the slightly older age bracket—to buy it.

Criminals who were previously selling cannabis on the black market will continue to do so, and they will continue to supply minors, so minors may be at even greater risk than they were before the legalisation. Let us be frank: criminals will always find a way to sell drugs and supply them to minors, and I worry that the drug’s new status will inadvertently offer more protection to underage users. A young person could be walking between home and college with a brown paper bag clearly in hand, and although certain states have banned smoking cannabis in public spaces, it is not an offence to buy it or to carry the purchase home. Of course, I realise that if someone is obviously underage, they are likely to get stopped and asked for ID, but that will not happen in all cases. Lots of young people will simply be brazen enough to carry cannabis visibly and take the risk of getting stopped. According to the Canadian Paediatric Society, in 2010 Canadian youth ranked first for cannabis use among young people in 43 countries. Scientific research over the last 15 years has established that the human brain continues to develop into a person’s early 20s, and there is a strong association between daily cannabis use and depression in adolescents and young adults.

I have spoken many times in this place about legal highs or psychoactive substances. Their use by young people is a real concern. In my constituency of Strangford,

I have seen at first hand the devastating impact that using those drugs can have on families. Many of the drugs produce a similar effect to cannabis, and it is the feeling of being “high” that makes them so attractive to people. Ultimately, if people want drugs and the demand is there, they will find ways to get them. That demand has led to products such as spice being added to the regular menu of illicit street dealers. Often, new legislation merely changes the way that a drug is sold or produced, rather than fundamentally changing the demand for drugs or the nature of drug taking.

I do not believe that legalising drugs for recreational use can ever be a good thing in practice, and neither will it work in principle. I look forward to hearing what the Minister has to say. The Canadian legislation sends a message that buying and using cannabis has Government backing. That is dangerous in itself because it implies that using cannabis is completely safe and acceptable. It is not, and it never will be. As I said earlier, legalisation makes the drug more accessible and appealing to people who may not have previously been users, while at the same time doing nothing to safeguard minors. I am sorry that I have a different opinion from that of the hon. Member for Inverclyde, but all points of view must be heard.

3.37 pm

Dr Dan Poulter (Central Suffolk and North Ipswich) (Con): I congratulate the hon. Member for Inverclyde (Ronnie Cowan) on securing this debate, and I am sympathetic to many of the points he made. He rightly highlighted the links between the use of drugs, drug dependency and deprivation, the challenges that many people who are dependent on drugs face, such as in housing and employment, and the fact that the current criminal justice approach does not work as we would like. We should help people with drug dependency to access the appropriate health and care support they may need, and we must think seriously about whether the current prohibition on drugs is the right way forward.

My hon. Friend the Member for Moray (Douglas Ross) made a factual point about naloxone and drug use. The policy is widely used in England, Wales, Northern Ireland and Scotland, and all over the world. He might be interested to read a 2017 review paper by McDonald, Campbell and Strang, entitled “Twenty years of take-home naloxone for the prevention of overdose deaths from heroin and other opioids—Conception and maturation”. That paper effectively concludes that take-home naloxone coverage is insufficient—that may chime with something my hon. Friend said—and that greater public investment in such schemes is necessary if we want them to succeed. Opioid deaths and their causes are multifactorial, and a considerable body of international evidence suggests that if naloxone is given to people who are at risk of an overdose, it can save lives; many review and study papers indicate that. I believe it is a step in the right direction for the Scottish Government to confront that issue and to say that there is a good body of evidence, but unfortunately dealing with opioid deaths is not as simple as just handing out naloxone, which we know is in itself an effective measure.

The hon. Member for Strangford (Jim Shannon) made the case against the end of prohibition on drugs. If we look at the wider public health issue, it is fair to say that if something is decriminalised or legalised, more people may well use that substance because it could be seen as something that is okay or acceptable to

use, but I do not think anyone in this debate is suggesting that if there was a broader approach to the decriminalisation or legalisation of drugs, there would not be a public health campaign, just as there is with legal drugs such as alcohol and nicotine, to suggest that there are adverse health outcomes associated with use.

Many substances that are classified class C or even class A have a lower public health burden than alcohol—for example, MDMA or ecstasy. Alcohol, the legal drug that many people—not me—in Parliament and elsewhere consume, is the substance that causes the biggest public health burden. We must be realistic and recognise that if we move to a position where people are able to make a more informed choice about whether they want to consume drugs in the future, that informed choice involves telling people that taking certain substances has consequences, as we do with alcohol and cigarettes today.

On the current approach to drugs, I would like the Minister to pick up on a couple of points. First, there is the challenge of improving the care that we provide for people who are dependent on drugs. This is not an issue for this Minister, but it may be a conversation to be had with the Department of Health and Social Care. The current commissioning landscape in England for drug and alcohol services is fragmented and completely divorced from mental health. We have to recognise that mistake, which we made in the Health and Social Care Act 2012. That needs to be addressed if we want to improve the quality of care available to people who are dependent on opioids in particular, as well as alcohol or any other substance.

It is important to recognise that improving care for people who are dependent on substances is about taking a holistic approach. It is about law enforcement working together with healthcare, housing and social care, and about finding employment and retraining solutions for people. The way existing law is framed, alongside the criminal justice prism through which drug laws are seen and enforced, often drives a wedge between different agencies, preventing them from working together effectively for the benefit of people who are dependent on illicit or street drugs. I hope the Minister can look at that point. Many opioid users are struggling to get treatment. In recent years, there has been a rising trend in the number of opioid deaths, yet the number of people with addiction to heroin and opioids accessing treatment has fallen in the last 10 years or so. There is a problem here that needs to be addressed.

We often talk about being tough on crime and tough on the causes of crime—I think a former Prime Minister said that, and it is something we can all agree with. What good treatment for people affected by substance misuse is not about being tough on crime and being tough on addicts. That does not work, it has not worked, and it is driving a wedge between the health system and the people it is trying to support. I hope that we can recognise in our broader discussions about prohibition that the current policies are a barrier to people with drug dependence receiving the care and support that they need.

Mrs Madeleine Moon (in the Chair): I am keen to make sure that everyone gets a chance to speak. I suggest that people have a self-imposed speaking time of three minutes. That will leave a little less time for the Front-Benchers, but I would like to make sure that everyone gets the chance to air their view. I call Jeff Smith.

3.44 pm

Jeff Smith (Manchester, Withington) (Lab): I will be as brief as possible, Mrs Moon. I congratulate the hon. Member for Inverclyde (Ronnie Cowan) on securing this debate and on his long and strong advocacy on these issues. I am tempted to say only that I agree with everything that he said, because I do, but I have a few brief comments to add.

First, I want to say how disappointing it is to see the Minister and the shadow Minister in their places today, not because I have anything against either of them personally, but because I hope that one day we will have a debate on drug policy where a Health Minister and shadow Health Minister answer the debate. For too long, we have treated drug policy as a Home Office and criminal issue rather than the health issue that it should be.

My starting premise is that we will never stop people wanting to take drugs. Humans have taken psychoactive substances for thousands of years. Our brains like them—it is not our fault; they just do. If we are honest, people take drugs because, often, they are enjoyable, whether it is alcohol or one of the illegal drugs. Most people enjoy taking them. Most people take them without problems most of the time. Sometimes, however, use becomes problematic, whether it be of alcohol or illegal drugs. We do not tackle problematic alcohol use by banning alcohol. That would be absurd, so why is it any less absurd that we ban drugs that cause problems when used wrongly? We need to make a distinction between problematic use and recreational use that causes no harm. We have a drug policy that is not working, as has already been said.

Is the clock counting down the time for my speech?

Mrs Madeleine Moon (in the Chair): It is counting up.

Jeff Smith: It is counting up. Have I really had all that time? I cannot quite believe how long I have been speaking for.

Not only does our drug policy not work, but it causes problems, not least through unnecessary criminalisation. In 2017, nearly 38,000 people were unnecessarily criminalised, which leads to poorer life chances and a cycle of prison. Then there is the cost: if we include all the costs of policing, healthcare, the judiciary and so on, it costs £10.7 billion to deal with illegal drug use. The policy is not working. Drug supply is in the hands of organised criminal gangs and that leads to an arms race in violence, trafficking and organised crime. Then there is the stigma, which has already been referred to, which prevents people from seeking treatment.

We need a change. We need to base our drug policy on the evidence of what works. As the Home Office itself found, there is no evidence that tough law enforcement reduces drug use. Change will not to be easy and I will not pretend otherwise; we have had a war on drugs for 50 years and it is ingrained in the political narrative. For too long, though, we have treated this problem the wrong way. For too long, politicians have been part of the problem. It is time that politicians started being part of the solution.

3.48 pm

John Howell (Henley) (Con): I congratulate the hon. Member for Inverclyde (Ronnie Cowan) on securing the debate. I recently went out with the police force in my

constituency, and one of the first things we did was go to an accommodation block for young people, where we tested their rooms for drugs. The police had swabs that they pushed along surfaces in the whole block, and under examination they revealed whether the young people had taken drugs. It was not the first time those rooms had been tested. Many of the people had been tested before and many had come up positive before. This was retesting.

Members might ask why, if those young people had been caught once, they did not do something different the next time, but that is part of the problem. The police took the view that it was not something that needed to be enforced in law. They took the view that there was no point in making criminals out of these young people. The real check on what should happen to the young people was not taken by the police; it was taken by the people who run the building. If it was a small amount of drugs that was showing up, they would have a word with the young people and tell them that this was not encouraged. If there was repeatedly a large amount, they would lose their accommodation. That, more than anything, was a frightening prospect for many of those people, who had found the accommodation quite late. It provided them with a lot of security.

There is a real distinction between the policy that the Government have set out and are pursuing and the policy that the police are pursuing at the same time, and those two policies cannot live together. We cannot have people saying one thing and the other people, who are supposed to be a part of the organisation that delivers it, doing something completely different. The Government need to recognise what is actually happening on the ground, because the police are not implementing legislation in the way the Government think they are. They are doing that with a greater spirit of openness about what is good for those young people in the community, and I encourage the Minister to look at that carefully.

3.51 pm

Tommy Sheppard (Edinburgh East) (SNP): Last year in Scotland there were 934 drug-related deaths. Of those, 137 were in Lothian, which covers my constituency. People fear that in 2018 the figure could top 1,000, so they are right to regard this as a crisis that needs to be addressed. The compelling tragedy of those deaths is that most were avoidable. These people did not die because they overdosed; they died because they were using dirty needles or other paraphernalia and they contracted hepatitis C or HIV from other users. They died because the stuff they were taking was either cut with toxic substances or was far more powerful than they expected it to be. In some cases, they died because they had left treatment too early—the orthodoxy is that success is judged by how many people go through treatment rather than by the number of people who are kept in treatment.

I laud the work of agencies and of many sincere individuals on the ground at the frontline. I have spoken to many of them in recent months, and they all tell me that even without changing the law many drug-related deaths are preventable. As Members have said, we could certainly have safe consumption facilities. We could also have heroin-assisted treatment. The reality is that the best way to get somebody off an addiction is first to manage it so that they can regain some control over

their lives and begin to make plans. We could also remove the stigma—there are far too many people in our society who react to these deaths by saying, “They’re only junkies; their lives don’t really matter.” We have to say that those people were once valued members of a community and that they could be again, and we need to reach out to them. Finally, we could shift the emphasis on to harm reduction through a massive publicity programme.

I do not have time to say what I wanted to say, so let me just make an appeal to the Minister. There are cross-party concerns about drugs policy, and there is cross-party support for a new initiative from the Home Office to review the Misuse of Drugs Act 1971. We deal with no other area of public policy where the principal legislation has remained unchanged for nearly half a century. The problem has got dramatically worse and its character has changed. Far too many people are labouring under the misapprehension that prohibition means control, but it does not. There is no control over what substances come on to our streets, there is no control over how much is available, and there is no control over who is using them. There ought to be, and we have a responsibility as legislators to move forward and achieve that. A review is long overdue, and I implore the Minister at least to be receptive to these appeals.

3.54 pm

Mr Paul Sweeney (Glasgow North East) (Lab/Co-op): I congratulate the hon. Member for Inverclyde (Ronnie Cowan) on securing the debate. The UK does not operate alone, and neither do global drugs control policies. The UK Government, as a fully paid-up member of UN treaties, must acknowledge and take ownership of the failure of global drugs control policies and the harms that are done in its name—the so-called war on drugs. It is actually a war on the people who use drugs, because it is they who feel the sharp end of prohibition. Some 26 countries have made changes to domestic laws and policies concerning the possession of illicit drugs for personal use in order to protect their citizens, but the UK lags behind.

It is not really a war on drugs; it is a war on citizens’ behaviour, and it is most often delivered by the state against the poorest people and communities. We do not put drugs in prisons; we put people in prisons. We allow the market to regulate itself because we simply prohibit drugs. It is a market, and it will not go away or be managed by simply investing in more police or in border control efforts—it is like trying to make gravity illegal. We cannot be naive and seriously think that there is any way forward but to reform policies to make them fit for today.

That brings me to the long-standing issue of the Glasgow safer drug consumption facility and heroin-assisted treatment pilot project, which has cross-party support in the city, certainly from Labour and the Scottish National party. As hon. Members might be aware, the issue of drug use and drug-related mortality in Glasgow is particularly acute. It is a problem that necessitates radical and disruptive new approaches. Almost a third—267—of Scotland’s drug-related deaths in 2016 occurred in the Greater Glasgow and Clyde health board area. In Glasgow there are 283 drug-related deaths per 1 million people—an appalling 1,315% higher than the EU average. There are 13,600 people aged between 15 and 64 in the Glasgow City Council area who are problematic drug users, which is twice the national average in Scotland.

That is why the safe drug consumption and heroin-assisted treatment proposal is vital for our city, to improve its public health performance in this area. I met the Minister recently and we had a productive discussion about the issue of safe drug consumption rooms and heroin-assisted treatment. Although we disagree on the safe drug consumption room pilot, primarily over assurances about the safety of the substances that are brought into the facility, I propose that there are methods of testing the substances prior to their being used on the premises, but that is beside the point. I want to focus on where there is a possibility of moving forward in the short term to deal with this pressing issue in Glasgow.

I want to ask the Minister whether she can outline more robust measures to improve and expedite the heroin-assisted treatment pilot programme. How can we get that on the ground and move it forward? I want to see people being able to use drug-related equipment in a safe environment and in a way that can be controlled, and I want the substances that they are using to be assured. That is the only way that we will make an impact on the ground in Glasgow and the only way that we will be able to address the appalling level of drug-related deaths. I would like to focus on the heroin-assisted treatment side of the proposed pilot in Glasgow. Let us focus on delivering something on the ground within the next year—let us get it on the ground and do something as a starting point at least. Will the Minister elaborate on how she can do that?

3.57 pm

Alison Thewliss (Glasgow Central) (SNP): Thank you for calling me to speak, Mrs Moon; I did not think that I would be called, because earlier I was chairing an all-party parliamentary group meeting. I am more than happy to speak in the debate and to represent my constituents on this really important issue. As other Members have said, the issue of drug consumption rooms in Glasgow has reached a public health crisis point. We absolutely need to do something. Glasgow has a well thought through and evidenced proposal for a drug consumption room in the city.

[SIR EDWARD LEIGH *in the Chair*]

What frustrates me hugely is that all the Home Office Ministers are happy to sit behind their desks down here in London, but they are not happy to come to Glasgow to meet people from the Scottish Drugs Forum or the doctors and experts within the Glasgow health and social care partnership who have worked on this proposal and who know their field extremely well. They do not want to come and listen to the stories of the families in Glasgow whose lives have been blighted by drug misuse for many years. Some families have lost not just one child but two children, and there are grandchildren who now face the prospect of growing up without parents.

The Government are literally deaf to those people’s complaints. They are unwilling to come and listen to those who have come through recovery, who have used such a facility, and who have seen the difference it made to their lives. They have seen the difference, rather than injecting in dirty back lanes, in bin shelters and in tenement closes in the area I represent and beyond. The Minister will not come and listen to those who use drugs right now.

[Alison Thewliss]

The Scottish Drugs Forum has done a huge amount of work on this. They have talked to people who inject drugs in the city centre of Glasgow and they have said to them, “What facility would help you to normalise your life and get into treatment?” A drug consumption room would enable people to come in at a lower level. They do not have to commit to a treatment programme, but they can take the first step towards treatment and a better, more stable life for themselves and their extended family.

As my hon. Friend the Member for Edinburgh East (Tommy Sheppard) said, those people are not just junkies. We should get rid of that horrible term from our vocabulary, because it helps nobody. It stigmatises and is cruel, and it signals that we do not value those people in society. We need to turn that around and give those people the support they need to come back from the brink and give their lives some semblance of order. We cannot write anybody off in society. Doing so is not fair to those people or their families. It also costs us an absolute fortune, as people make repeated visits to accident and emergency departments, and we have to pick up the pieces of the chaos it causes. Housing associations have to pick up needles day in, day out, because this problem is not going away. The Minister can bury her head in the sand, but I challenge her to come to Glasgow, meet the people I meet, and not just make decisions from behind her desk in Westminster.

4.1 pm

Stuart C. McDonald (Cumbernauld, Kilsyth and Kirkintilloch East) (SNP): I pay tribute to my hon. Friend the Member for Inverclyde (Ronnie Cowan) for introducing this debate and illustrating yet again the expertise he has developed by getting involved in policy discussions not just here but in other jurisdictions, where he has obviously learned a lot.

As my hon. Friend and others have said, our starting point must be the dreadful impact that drug misuse has on too many people, directly and indirectly. We have heard about the statistics for Scotland: 934 drug-related deaths were registered in 2017, up by 66 from 2016. The hon. Member for Moray (Douglas Ross) fairly pointed out that those numbers are particularly awful, but the causes are complex and some of them date back decades. There are economic costs associated with the problem—drug misuse costs £3.5 billion a year in Scotland, and alcohol misuse costs a further £3.6 billion—but they are nothing compared with the personal tragedies of each life affected. This debate has allowed hon. Members to focus on how we should respond to this huge challenge. I thank everyone for their contributions.

It is fair to say that the majority view is that the criminal justice approach is not working, as the hon. Member for Central Suffolk and North Ipswich (Dr Poulter) said. Some hon. Members argued eloquently that the way we regulate drug use through criminal law needs not just reform but fundamental reform. We should be open-minded about that, and I agree that our response should be evidence-led.

Regardless of how we respond, we should first and foremost see this as a public health issue—almost everybody who spoke in the debate said that, and I agree—albeit one that requires input from many Departments, including

on housing, mental health, employability, education and justice. In Edinburgh, the drugs policy unit has been moved out of the justice directorate and into the health directorate. Like the hon. Member for Manchester, Withington (Jeff Smith), I think that is exactly where it belongs. The 2008 drugs strategy, which has been referred to, received cross-party support, but it is being updated.

That first strategy, “The Road to Recovery”, helped to shift cultural attitudes and challenge stigma. It established a broad recovery network, delivered locally through 30 alcohol and drug partnerships. It brought together health boards, local authorities, policy and voluntary agencies in each part of the country. National leadership was provided by the Scottish Recovery Network, the Scottish Drugs Forum and Scottish Families Affected by Alcohol and Drugs. It led to a new focus on harm reduction. For example, the pioneering naloxone programme was designed to reverse the effects of opioid overdoses. We have heard a bit of criticism of that programme, but a recent NHS Health Scotland literature review demonstrated that take-home naloxone programmes increase the odds of recovery from overdoses, and improve knowledge of overdose recognition and management in the community. We have also heard criticism of the substitution treatment that accompanied the strategy, but the NHS Health Scotland evidence review suggests that, overall, the health of opioid-dependent individuals is safeguarded while they are in substitution treatment.

The new strategy is set to be finalised imminently. We have not seen the final draft, but we know something of the direction of travel. We also know that it will be funded by an additional £20 million a year in each of the remaining three years of the Scottish parliamentary Session. It will contain policies that reflect a better understanding of the causes of addiction and substance abuse, including some that have been referred to today, such as deprivation, poverty and adverse childhood experiences. As has been highlighted, there will be a more holistic focus on the person, rather than simply on the addiction. Recovery remains the goal, but there will be a greater focus on tying that goal to work on homelessness, employability, mental health and family support. That is simply in recognition of the fact that, too often, the most vulnerable find it hardest to access the sustained support they need for those key issues.

The new focus will be on “seek, keep and treat”. It is acknowledged that the most vulnerable are sometimes the least likely to access the services that could support them. There will therefore be more proactive outreach and advocacy, and broader and more sustained attempts to keep people in treatment by responding to their broader needs. My hon. Friend the Member for Edinburgh East (Tommy Sheppard) rightly highlighted that keeping people in treatment is problematic and that we need to do better on it. Treatment must be tailored carefully to the person. We must recognise that some will not be ready yet to start on the road to recovery or abstinence, while others will start on that road but relapse. Support must continue and be sustained throughout the process.

A measure that would fit with that approach, which a number of hon. Members have referred to, is the establishment of a drug consumption room. My party is keen on that, and there is almost, but not quite, unanimous support for it in the Scottish Parliament. Work on piloting a safe drug consumption room would be hugely welcome. It has been driven by the Glasgow

City health and social care partnership. It could serve an estimated 400 to 500 people who would otherwise be injecting unsafely and publicly, and who would experience high levels of harm. Such a facility could significantly reduce the risk of further outbreaks of blood-borne viruses.

Evidence from elsewhere shows that drug consumption rooms can make a significant difference in reducing drug-related deaths. A Sydney study linked such facilities to fewer emergency service call-outs, an increased uptake of detoxification and drug-dependence treatments, a decrease in public injecting, and a reduction in the number of syringes discarded in the vicinity. Similar studies from Barcelona have found similar positive results.

The question is: why on earth does the Home Office not want to pilot a drug consumption room? The evidence shows that it is likely to achieve significant benefits. In the unlikely event that it does not work, the fall-back will not be on the Home Office; we will accept full responsibility. There is no justification for such intransigence. The Home Office's failure to act is endangering lives. I echo calls from my hon. Friend the Member for Glasgow Central (Alison Thewliss) for the Minister to meet the Public Health Minister in Scotland. She should visit Glasgow to hear from practitioners who are pursuing this cause.

Tackling drug addiction must be supported across portfolio areas. Ideally, we need education to try to help young people to become resilient to offers of drugs or pressure to take them in the first place. Where the criminal law is breached, diverting people—especially young people—from the criminal justice system can be effective if alternative interventions mean addressing the underlying causes of offending, including for drugs, with hugely beneficial lifetime implications. If drug users are in prison, a dedicated improvement fund is being used in Scotland to ensure that programmes there properly address health-related causes of offending, such as drug and alcohol misuse. Each of those drugs policies could be the subject of a separate debate in their own right.

Drug addiction is first and foremost a public health issue. Our key ask is for the Minister to look again at piloting a drug consumption room in Glasgow. She has absolutely nothing to lose with such a policy, and lots of people have lots to gain.

4.8 pm

Carolyn Harris (Swansea East) (Lab): It is a pleasure to serve under your chairmanship, Sir Edward—although I thought you were Mrs Moon.

Our policy on drug use should be regarded first and foremost as a national health issue. As hon. Members have emphasised, we need better legislation on drug use, with far greater intervention and education policies on drug abuse and addiction. The UK now has the highest recorded level of mortality from drug misuse since records began, and nothing is more important than preserving our citizens' lives. Our approach to drugs is simply not doing that, so it is time to consider all options, based on what is most effective in reducing harm.

The war on drugs is failing. People are being exploited by drug dealers and traffickers on an industrial scale. The rising prevalence of county lines and sexual exploitation highlights the need for criminal action against the

perpetrators. Greater training and funding for frontline services is essential to crack down on the gangs and individuals who treat people like commodities. They inflict pain and suffering on vulnerable people, and sexually abuse them.

Traffickers are targeting potential victims, including by “cuckooing”, whereby drug dealers befriend vulnerable addicts and supply them with narcotics before moving into their homes. They then threaten to withdraw the supply of drugs, or use threats and intimidation, to get their victims to sell the substances.

Homeless people are increasingly becoming the victims of modern slavery, lured by traffickers with promises of work, housing and narcotics. They are then used as forced labour to sell drugs or in other forms of criminal exploitation. This year the number of British people coming to statutory support services after being identified as victims of modern slavery has doubled. Many were homeless and had existing drug addictions, making them a target for traffickers, who used their addiction to coerce them into harmful activities. An increasing number of people have been identified as victims of slavery, ending up destitute, homeless and re-trafficked shortly after exiting safe houses.

Addiction is an illness. Young people sell themselves for their next fix and join dangerous and abusive gangs to ensure that their addiction is fed. Far more needs to be done to educate children in schools about drug use and the associated dangers that addiction brings. We are not talking about recreational drugs; we are talking about people who are dependent on a substance that dominates their ability to function.

Involvement in the criminal justice system often results from both illegal drug taking and the criminal activities to obtain those drugs. The destructive behaviours are often caused by brain changes triggered by drug use. Treating drug-involved offenders will provide us with an opportunity to decrease substance abuse and reduce associated criminal behaviour. Commitment to expand drug treatment facilities is essential to ensure a better way to cut the numbers of people who are addicted and keep them out of the criminal justice system.

We are failing people who are addicted to drugs. We have to look at where we have gone wrong. Drug addiction is not getting any better, so the existing system is clearly not working. It must be made much easier for people to get the treatment that they need. Facilities for treating people with drug issues must be improved and increased. Drug reform would be an opportunity to address the issues in the criminal justice system. It is time to think differently about punishment for drug-related offences, to increase the treatment budgets to prevent addiction and drug-related deaths, and to change drug policy so that police forces up and down the country have a uniform approach to drug addiction, allowing them to better tackle the drug battle that permeates all our towns and cities.

4.12 pm

The Parliamentary Under-Secretary of State for the Home Department (Victoria Atkins): It is a pleasure to serve under your chairmanship, Sir Edward. As I have previously stated on the record, owing to the potential for a conflict of interest, with my husband's business interests, I have recused myself on issues relating to

[Victoria Atkins]

cannabis and synthetic cannabinoids. I therefore will not respond to those points during this debate, but will ask the Policing Minister, who deals with these matters, to write to Members on those points.

I congratulate the hon. Member for Inverclyde (Ronnie Cowan) on securing the debate. His debates on drugs always seem to be interrupted by numerous Divisions, so I am delighted to have reached the point where I have a little time to sum up.

This Government recognise the serious harm that drugs cause, not only to individual users but to their families, children and local communities. Drugs have been identified in the recent serious violence strategy as a major driver of the recent increases in serious violence. Drugs cost more than £10 billion a year to our society, over half of which is attributed to drug-related acquisitive crime such as burglary, robbery and shoplifting. We remain ambitious and committed in addressing these problems. That is why we committed to further action on drugs as part of the serious violence strategy.

Our policy on drugs is anchored in education to reduce demand, tough and intelligent enforcement to restrict supply, evidence-based treatment to aid recovery, and co-ordinated global action. I will deal with the global picture first. The UK is driving global action to tackle drug harms. Genuine international challenges include the increased production and purity of cocaine in Colombia, and the problems of fentanyl use in North America. International co-operation is key. We continue to strengthen controls at our borders, share information and understand global trends. Last week, I met people from the International Narcotics Control Board who had come to view our work on tackling drugs. We will continue to work closely with our international partners to share best practice and achieve the best possible outcomes for all those at risk of harm from drugs.

The national picture, Government are already delivering a range of action is that through the 2017 drugs strategy to prevent drug misuse in our communities, support people to recover from dependence on drugs, and support law enforcement to tackle the illicit drug trade.

Dr Poulter: On reducing drug dependency, is the Minister aware that generic buprenorphine is no longer available from the manufacturer? As a result, drug treatment uses the Subutex brand, which costs £3,000 per patient per year and is becoming increasingly expensive. Will she look into that? It is proving financially difficult to support patients with opioid-substitution therapy.

Victoria Atkins: I will of course look into that, and I will ask a Health Minister to write to my hon. Friend.

The drug strategy recognises that we must reduce demand by acting early to prevent people from using drugs in the first place and to prevent escalation to more harmful use. We are taking action to build resilience among young people, alongside a targeted approach for groups at particular risk. Well-off recreational drug users must also recognise the part that they play in funding the criminal networks that supply their drugs and the violence that those crime gangs use.

My shadow, the hon. Member for Swansea East (Carolyn Harris), has already mentioned the issue of county lines. Yesterday, we had a meeting of the serious

violence taskforce. It is absolutely clear that the illicit drug market is a major driver of the rise of serious violence, which is why the police must work with our health professionals to tackle it. Schools play a vital role in that, helping children to understand the risks of illicit drugs and build their resilience and ability to say no. The Government are making health education compulsory, as well as funding Mentor UK's Alcohol and Drug Education and Prevention Information Service to provide practical advice to teachers.

Tough enforcement, however, is fundamental. We are restricting the supply of drugs, adapting our approach to changes in criminal activity, using innovative data and technology, and taking co-ordinated action to tackle drugs alongside other criminal activity. Through the Psychoactive Substances Act 2016, we have choked off the supply of so-called legal highs. More than 300 retailers throughout the UK have closed down or are no longer selling psychoactive substances. Police have arrested suppliers, and the National Crime Agency has ensured the removal of psychoactive substances from sale on UK websites.

Ronnie Cowan: Yet those substances have been replaced by others, which are possibly more damaging, such as Spice and Mamba. We are not solving the problem; all we are doing is pushing it around the table.

Victoria Atkins: Interestingly, the hon. Gentleman raised the issue of decriminalisation, and I again note that no single body of opinion has formed about how such decriminalisation would work. Who would administer the drugs, presumably available on the NHS to users? Will that include recreational drugs such as MDMA, so that people can have fun at the weekend? Is the taxpayer paying for that?

I welcome the chance to discuss the issue, but the problem with such a debate is that "decriminalisation" is referred to, but not a body of opinion—certainly none described in this debate—to evidence of what would happen under such a policy. The police and others have to deal with precisely these issues day to day, to protect our communities from illicit drug use, because those drugs harm people.

Grahame Morris: The Minister is setting out the case for why there is an obstacle to change. In Durham, for example, the police and crime commissioner, a very experienced chief constable and all the agencies say, "Give this a try." They believe that it will work, because the evidence suggests that. Why does she not pilot such a scheme?

Victoria Atkins: One or two police and crime commissioners may say that—I know, because they write to me regularly—but the majority of them do not share that view. That is not to say that we cannot have a debate about this, but let us please not pretend that that is the view of the Association of Police and Crime Commissioners.

Recovery is a vital element of our approach. We are taking forward action to enhance treatment quality and outcomes. Here is perhaps where some colleagues have—inadvertently I am sure—fallen into error when talking about drug consumption rooms and heroin-assisted treatment. Sometimes, people may not understand the

differences between the two programmes. We have run pilot heroin-assisted treatment programmes, where heroin users are put into an intensive support programme through their GPs or other medical professionals. They are prescribed diamorphine as part of an intensive programme of action. That is very different from drug consumption rooms, which support the illicit drug market.

Stuart C. McDonald: Will the Minister give way?

Victoria Atkins: I will not, as I am conscious of time. People wander into drug consumption rooms, having bought their fixes on the street. We have no guarantees on the safety of those substances. The Government simply cannot condone that sort of behaviour, not least because it falls foul of the Misuse of Drugs Act 1971, but also because it would not be responsible to support the illegal market.

Crispin Blunt: The Government say they cannot condone that, but what lessons are they taking from the view of the International Narcotics Control Board?

Victoria Atkins: Interestingly, the view of the International Narcotics Control Board is very cautious. It says that drug consumption rooms must be operated “within a framework that offers treatment and rehabilitation services”.

I would argue that its model is closer to heroin-assisted treatment.

Several hon. Members *rose*—

Victoria Atkins: I have one minute left, so I am afraid I will have to refuse more interventions.

We are helping users through needle and syringe programmes, to prevent infections, and opioid-substitution therapy, and widening the use of naloxone. The Home Secretary has commissioned an independent review of

the drugs market in the 21st century—it is not quite the prohibition of alcohol in the 1920s, as the hon. Member for Inverclyde represented. We need to understand how the drugs market works today. That is why, as part of our drugs strategy and our serious violence strategy, working with health partners, we are convinced that this is the right approach.

4.22 pm

Ronnie Cowan (Inverclyde) (SNP): I sincerely thank everyone who has taken part in this afternoon’s debate. I mentioned that I had visited drug consumption rooms in Barcelona—I understand the difference between them and heroin-assisted treatment units. What impressed me most about those rooms were not just the facilities—they were attached to health clinics and psychiatric hospitals, and there was even a mobile unit being driven around the area—but the attitude of the people providing the service in those units. They looked upon the users of their clinics as human beings first and foremost. They had moved away from the idea of categorising and stigmatising people as junkies, crackheads and stoners. They did not see a problem but an opportunity to help people back into life.

It was summed up perfectly to me when it was explained that people living in Catalonia who have a medical card get free medical care; immigrants living in Catalonia are given a medical card, so they get free medical care; and illegal immigrants in Catalonia are given a medical card, so they get free medical care. They have taken the stance that this is about humanity and their approach to their fellow citizens. Only when we do that will we start to address the horrendous problems we have in our society through problematic drug use.

Question put and agreed to.

Resolved,

That this House has considered drugs policy.

Dead Man's Penny Memorial Plaque

4.24 pm

David Morris (Morecambe and Lunesdale) (Con): I beg to move,

That this House has considered the dead man's penny memorial plaque.

It is a pleasure to serve under your chairmanship, Sir Edward. A number of years ago, before I became a Member of Parliament, I went to a local car boot sale. Looking through all the bric-a-brac and things from days gone by, I came across a bronze plaque that was six inches in diameter. It looked to all the world like a huge Victorian penny. It had Britannia on the front, shadowed by a lion. There were two dolphins and, at the bottom, a smaller lion was ripping apart an eagle. The lion with Britannia was the lion of courage, and the other lion was ripping apart the German eagle, while the dolphins signified the dominance of the seas that Great Britain enjoyed at the time. There was writing around the edge because the plaque was intended to commemorate the life of a fallen soldier. Such a plaque was known—rather crudely, given that it was to commemorate the life of one of our fallen soldiers—as a dead man's penny.

The service people were from the fledgling Air Force of the first world war, the Navy, which dominated the seas, and those who had fallen on the battlefields. They were originally to be positioned in the war grave headstones, but that did not happen due to the fear of metal pilfering after the war. They were struck only for the first world war as they cost so much to produce. Each plaque was struck—not engraved—with the name of the fallen soldier or serviceman.

I remember looking at the plaque—I did not know what it was; I researched it later—and wondering what had happened to the family of the fallen soldier, why the plaque had ended up there, what was the story behind it and what was the story of the soldier's life and the family he left behind. It struck me that, more often than not, such plaques reach the market—militaria shops and auction sites—because the family have died. I emphasise strongly that militaria shops do us a great service by helping to keep alive the spirit of campaigns and conflicts that we only read about in the history books. We in Morecambe are fortunate enough to have an excellent military memorabilia shop, along with a proud and distinguished military heritage in Lancaster.

I found out later that more than 1.3 million plaques were struck—the exact number is not known—and given out to the families of the fallen. They were struck from 450 tons of bronze. They arrived in a box, sometimes with the medals of the soldier, airman or seaman, and every one of them had a certificate signed by King George V. They were given out predominantly after the war, although some were given before its end.

What do they mean in our day and age, 100 years on? We have had other wars, but world war one was the only occasion on which these plaques were struck in honour of the fallen. As I said, each plaque was individually struck—not engraved—with the name of a serviceman, but with no mention of their rank. It was struck simply to commemorate the serviceman or woman who gave their life doing their duty in the service of their country. In fact, 1,500 were given to women service personnel. They were given out all across the Commonwealth, to everybody engaged in the conflict.

In the great war, we lost 22 Members of Parliament, 20 Lords and 98 sons of people who worked here or were Members. This debate therefore has meaning not just for the rest of the country, but for Parliament itself. The outside of the plaque reads:

“He died for freedom and honour”.

Some plaques say, “She died”, depending on the sex of the service person. I once acquired a plaque. The gentleman named on it was Charles Edward Woodward. It had a hole in the plaque, a fact that made me a little emotional in my last debate on this subject 12 months ago, because it meant that it would have been hung on the wall, over the mantelpiece in his parent's home. It would have been all they had left of him. I recently found out that his two other brothers also perished in the first world war. I got this plaque from a militaria shop not far from here, and the staff were very helpful and honourable in the exchange. With it came this man's history, which says that it is a great war memorial plaque issued in memory of Charles Edward Woodward, who served as Private Nm. 1,200 of the 1/5th Battalion of the Lincolnshire Regiment, Territorial Force, and was killed in action at Ypres on 30 September 1915.

The local newspaper, the *Lincolnshire Chronicle*, reported Private Woodward's death. A biographical note—bear with me, Sir Edward, because the type is quite small—states:

“News of the death of Pte. C. Woodward was recorded in the *Lincolnshire Chronicle*, he met his death while on duty in the trenches, the trench being struck by shells and he was buried. He was got out later, but only survived about an hour. The above was partly contradicted in a letter from Capt. Scorer to his parents, in which he stated ‘I have to inform you of the death of your son, Pte. C. W. Woodward, on the evening of 30th September. Our trenches were blown up by a German mine and about 60 yards destroyed. Your son was buried in the debris; we dug him out alive, and hoped he would recover, as from outward appearances he did not appear to be injured; but he died later from shock.’ Pte. Woodward was in his 21st year, and first in the village to lose his life.”

Private Woodward is commemorated by name on the Ypres Menin Gate memorial. He was only 20 at his death. He was the son of Parker and Mary Jane Woodward of Rose Cottage, Halton Fenside, Spilsby, Lincolnshire. This plaque was all that was left of him. He was a person. We should not forget that each one of these plaques signifies an individual—a person—who lost their life.

I want to raise awareness that each of these plaques signifies a person. I hope that one day they form a memorial—perhaps in the Imperial War Museum, although it will be difficult to find an area big enough to house more than 1.3 million of them—that demonstrates what they represent and commemorates those who died preserving the integrity of the democracy for which they fought proudly and gave their lives.

Sadly, however, over the years some of the plaques have been scrapped because no one knew what they were. Although I do not think many of them found their way into scrap yards, that nevertheless happened. The previous Member for Croydon South promoted a private Member's Bill that resulted in legislation that prevents war memorials from being attacked and melted down. I would like these plaques to be covered by that legislation. They mean something. They are a memorial in themselves, especially in the centenary year of the end of the first world war.

What is the Government's role? I know that they would like to do everything they can, but logistically that is impossible. It is up to us all in the community to recognise that these plaques really mean something. I would love to see some of them form a national memorial to the fallen or go to local regiments, local museums or even the Military Heritage Society.

I was honoured and fortunate enough to go to Spilsby, where I was accompanied by my hon. Friend the Member for Louth and Horncastle (Victoria Atkins), who is present today. Private Charles Woodward's plaque now hangs in the memorial hall in his own village. He has found his way home. I am proud to have done that. It did not matter where that gentleman was from or that he had no connection to me—none of that mattered at all. What mattered was that he was remembered.

It would be fitting for these plaques to be taken to church on Remembrance Sunday. My debate on this subject in the main Chamber was very emotional and eerie. I do not subscribe to the paranormal, but it really felt as though the man was standing at my side. I had never felt that before, and I doubt I will ever feel it again, but other Members who were in the Chamber at the time experienced the feeling that something else was there too. If we take these plaques to church with us on Remembrance Sunday, those soldiers will be there, too, and they will be remembered. That is all that really matters. Let us remember them, let us honour them 100 years on, and let us celebrate what they did for our freedom.

4.34 pm

The Parliamentary Under-Secretary of State for Digital, Culture, Media and Sport (Michael Ellis): I thank my hon. Friend the Member for Morecambe and Lunesdale (David Morris) for his remarks, for his work on this subject and for organising this important debate, which is poignant as we approach the centenary of the armistice in 1918. One of the fascinating aspects of the first world war is what is left behind. The sheer volume of artefacts—not just medals, memorials and plaques but letters, art and literature—serves to remind us of the monumental scale of that war. It was a global conflict of shocking magnitude.

My hon. Friend has spoken with great clarity about this subject, both today and previously. I commend his passion—a passion that is understandable when one considers that the prevalence of memorial plaques is due to the almost incomprehensible losses suffered by Britain and her Commonwealth allies. It is estimated that more than 1 million plaques and scrolls of the type he described were issued to the next of kin of those who died serving with British and imperial forces in the first world war for king and country. Each of those plaques represents the loss of a life and the devastation that inevitably followed for family members and friends. More than 600 such plaques were issued to the families of women who died, reminding us that the suffering was not confined to the battlefields. Many plaques were donated, used in memorials or displayed prominently and with pride in local museums, and many are still treasured by the descendants of those who fell, but it is thought that many British and empire war dead had no plaque or scroll issued due to the inability in 1919 and 1920 to trace the addresses of eligible next of kin—no doubt as a result of the high incidence of short-term rented addresses and remarriage, and of records that were not as good as they are today.

Over the past four years of commemorative events marking world war one, my Department has seen at first hand the depth of emotion that many people still feel about that war 100 years on, not only through direct family relationships but through associations in their local communities, school connections and regimental ties. My maternal great-grandfather, Jeremiah Mulcahy of the Royal Irish Regiment, was killed in action at Ypres on 31 May 1915. I know that his loss still resonates with my mother in her 81st year. There are people who felt the repercussions of the war directly—people who grew up in care following the collapse of a family unit, or with distant or disabled fathers or grandfathers, or in communities shattered by loss. There are also people whose only connection to their community's involvement in the great war is a photograph album, a medal or a medallion of the sort to which my hon. Friend referred—a dead man's penny, as they were colloquially known. Frequently, those items are worth far more to people than their monetary value. They are the very heart of a family or community's history, lore and identity.

During the centenary period, my Department has worked closely with the Imperial War Museum, which has proven itself a worthy guardian of the nation's wartime history. Through the refurbishment of its first world war galleries, which are very much worth a visit, and its tireless dedication to education, it has been a key partner to Her Majesty's Government during the centenary period. Like all museums, it has a strict acquisition and disposal policy—in fact, as Minister for the arts and heritage, I have to sign off when it wishes to dispose of items, even if they are duplicates or of very low value—which determines whether it can accept donations. I am sure my hon. Friend understands that, given their limited space and resources, museums have to make difficult decisions about what is of most value in the context of their collections. In this case, the Imperial War Museum feels that the collection of plaques does not meet the policy criteria, and the policy document states that acquisitions outside the current stated policy will be made only in exceptional circumstances.

When the families of fallen men and women were sent the plaques and the scrolls, the items became their property, in the same manner as medals or any other award. I am sure that hon. Members will agree with me that it would not be appropriate for Her Majesty's Government or any other body to decide what should be done with items of private property, especially items that hold such emotional significance and value. I know that my hon. Friend will understand that, for those reasons, it is not considered either possible or practical for Her Majesty's Government to attempt to acquire memorial plaques that are no longer in the possession of the families to whom they were issued.

For people in possession of plaques, or for those wishing to research or commemorate an individual, there are other options available. I humbly suggest that Members of this House recommend to any interested constituents that a good starting point would be to visit two excellent online resources that commemorate those who fell in the great war, provide useful information about the person commemorated, and give those in possession of a plaque the option to make that information publicly available. They may find it very rewarding if they can contribute to these sites.

[*Michael Ellis*]

The Royal British Legion's "Every One Remembered" database aims to ensure that by the end of this year every man and woman from across the Commonwealth who fell during the first world war is remembered individually by those living today. It is a striking lesson that while the way in which people commemorate may have changed thanks to technology, the desire to remember the fallen remains undiminished. I hope that hon. Members will join me in congratulating the Royal British Legion, which we know does such excellent work, on the fact that every person has now been remembered on the website—more than 1 million people.

A similar digital memorial is the Imperial War Museum's "Lives of the First World War" project, which I also commend to the House. It records the stories of individuals from across Britain and the Commonwealth—the empire, as it was then—who served in uniform or worked on the home front. Users of the site can add information about medals and service record to an individual's page if they have more information to add. The facility to add that information, and pictures of artefacts, allows descendants to create a permanent digital memorial of their family's first world war story. "Lives of the First World War" currently has over 7.5 million individual life stories and over 120,000 registered members.

Her Majesty's Government's centenary programme has other programmes that are designed to aid commemorations, and many ways that communities can find out more about these plaques and the memorials on which their ancestors were recorded in the United Kingdom and around the world. The Department for Digital, Culture, Media and Sport, has made a £4.5 million fund available for the conservation and protection of war memorials, which I think my hon. Friend mentioned. In the first world war memorials programme, Historic England, in partnership with Civic Voice, the Imperial War Museum and the War Memorials Trust, work with the public on a programme of recording, research, conservation and listing, to ensure that war memorials across Britain are protected and the people they commemorate are remembered. To date, the War Memorials Trust has made over 360 repair grants, totalling some £1.4 million, to help repair war memorials across the country that are in a poor state and need some work.

I should also mention the work of the Ministry of Housing, Communities and Local Government in the Victoria Cross commemorative paving stones project. This project commemorates each of the 627 men who were awarded the highest accolade, the Victoria Cross, during the first world war, placing a commemorative stone in the town or village of their birth or, in the case of those born overseas, at the National Memorial Arboretum in Staffordshire. The stones are a visible reminder of the heroic contribution made by local people.

No debate on this subject would be complete without mentioning the work of the Commonwealth War Graves Commission. Many thousands of casualties from the British Empire are buried in some 23,000 immaculately maintained CWGC sites in more than 150 countries around the world. These moving and sensitively maintained sites are a permanent reminder of the enormous sacrifices made in war. Anyone visiting such a site cannot help but be deeply moved. Of course, the commission does far more than maintain the resting places of the fallen. In 2017 it founded the Commonwealth War Graves Foundation specifically to keep alive the memory and the stories of those who died in the two world wars for generations to come.

With the centenary of the armistice just days away, I am very pleased to have had this opportunity to publicise the options open to people who are in possession of memorial plaques; I reiterate my gratitude to my hon. Friend for bringing this debate to the House. Through the Government's unique commemorative programme and the innovative work by our partners in developing ways of commemorating the first world war, we can ensure that future generations never forget those who fell. We can also ensure that they have tools at their disposal to allow them to research their ancestors and the many others who fought 100 years ago. The memorial plaques—the dead man's pennies—and the many other memorials to the fallen of the first world war are a constant reminder of the huge sacrifice made by a whole generation 100 years ago, and I again thank my hon. Friend for proposing this debate.

Question put and agreed to.

Addictive Technology

4.46 pm

Ged Killen (Rutherglen and Hamilton West) (Lab/Co-op): I beg to move,

That this House has considered addictive technology.

It is a pleasure to serve under your chairmanship, Sir Edward, and to introduce a debate that I feel is of growing relevance. Our discussion could go in many different directions, but I will focus mainly on the use of smartphones, apps and social media. How often these days do we hear the phrase, “Get off your phone!”? It could be uttered between two strangers in a restaurant; it could be any one of us saying it to a partner or a child, or having them say it to us. We only have to get on a bus, walk down the street or sit in the House of Commons Chamber to see examples of how engrossed we have all become in devices such as smartphones and tablets.

Last September, the iPhone celebrated its 10th birthday. At the time, my first thought was, “Has it really only been 10 years?” I do not think that was a matter of misjudging the passage of time; instead, I was reflecting on the behavioural, social and cultural impact of the smartphone revolution that began with the iPhone, and wondering how all of these changes could have happened in the last 10 years. The urge to check our phone while we are waiting for a friend to arrive, or when we are bored, watching TV or even at dinner, is like a new muscle reflex for many—including me. When we forget our phone and sense the absence of its weight in our pocket or bag, it feels like much more than just a missing piece of technology. I cannot be the only one who has felt the panic of looking for my phone, only to realise that I am holding it in my hand.

In the run-up to this debate I asked Parliament’s Digital Outreach Service to collect the views of members of the public on whether they felt their own relationship with technologies such as mobile phones, tablets, social media and videogames was having a negative effect on their lives. One respondent, Keith, said:

“As I type I’m tapping on a cell phone waiting for my bus, so I suppose it passes time. On the other hand, I nearly missed it posting this message, so yes is the answer.”

That is probably a typical experience for many people. Let us be in no doubt that these devices are incredibly useful tools. They make day-to-day tasks more convenient and we get a lot of enjoyment out of them. They give us the power to connect to our friends and families, no matter where they are, all around the world. The question is: are they making us connect less with the people right in front of us?

From the 2016 US presidential election, Brexit and the Cambridge Analytica scandal to the increase in online abuse and bullying and the growing evidence that smartphones, their apps and social media are addictive and causing behavioural changes rather than adapting to demand, we are seeing a darker side to these technologies, which highlights how we may have misplaced our sense of control. I want to use this debate to discuss how to live well with the technology we use every day.

It is becoming clearer that there are features of smartphones, the apps that they run and social media that are inherently addictive. Recently, former technology designers for companies such as Facebook, Apple and Google have admitted that the technologies and apps

they designed have contributed to technological addiction. Many designers are driven to create addictive app features by the business models of the big companies that employ them, and let us remember that many apps have in-app purchases, so in some cases there are financial consequences for users. Aza Raskin, a former technology developer for Mozilla, which makes the popular Firefox web browser, has described the way in which apps and interfaces are made as if the tech companies are

“taking behavioural cocaine and just sprinkling it all over your interface”.

He also said:

“Behind every screen on your phone, there are generally...a thousand engineers that have worked on this thing to try to make it maximally addicting.”

Mr Raskin helped to design the software function known as infinite scroll, which allows users to scroll through pages and pages of Facebook, Twitter and Instagram content without having to click “next page.” He is not alone. Leah Pearlman, the co-inventor of Facebook’s “like” button, raised concerns that the design of modern personal technology and digital interfaces are habit-forming, in some cases leading to addiction. She said:

“When I need validation, I go to check Facebook... I’m feeling lonely, let me check my phone. I’m feeling insecure, let me check my phone.”

Ms Pearlman tried to quit Facebook after resigning her role at the company, but she found it hard. She realised she was

“kind of addicted to the feedback.”

That is someone who worked for one of these companies.

We could be experiencing a temporary blip, such as when television was first introduced. Perhaps our relationships with these devices will normalise. However, many of us will recognise these concerns in our lives.

Hannah Bardell (Livingston) (SNP): I congratulate the hon. Gentleman on bringing this important and timely debate. Does he agree with Arianna Huffington, who wrote the books “Thrive” and “The Sleep Revolution” in which she talks about technology and how in many cases we take better care of our smartphones than ourselves?

Ged Killen: That is right, and I will take up the hon. Lady’s reading recommendation. We all have experience of mindlessly scrolling through our Twitter feeds and finding that our mood is affected by what we see, but, as with many things, it is often young people who are affected the most. I know many parents who are very concerned about the digital world their children inhabit for much of the time. To a certain extent, that is a natural concern for parents of each new generation, but that does not mean it is unwarranted. The sheer rate of advancement in the technology now available means that young people are growing up in an environment that is completely alien even to relatively young parents, and we do not yet fully understand the consequences.

The impact on mental health for all of us is becoming clearer, with new studies emerging at increasing pace showing a link between technology overuse and poorer mental health. Large-scale studies in the US have shown that adolescents who spend more time on new media, including social media and electronic devices such as smartphones, are more likely to report mental health issues than those who spend less time on such platforms.

[Ged Killen]

By comparing those studies, researchers were able to point towards a relationship between depressive symptoms and overuse of technology, particularly among women and girls.

That is just one study of many, and the science is still evolving. Compared with our understanding of other negative health habits, the timeframe for research is relatively short. We have not been using these devices for long enough to fully understand their impact. It took decades for it to emerge that smoking was an addictive habit detrimental to our health. Of course, smoking and modern technology are not directly comparable, but technology is both an opportunity and a risk, and we must ensure we get more of the former and less of the latter.

I hope Members agree that tech companies have a duty of care to the consumers who use their products. I welcome Apple's recent intervention to introduce a screen time function that allows consumers to monitor and restrict their time or use of certain apps. I hope that will be rolled out on a wider basis by other tech companies. I also hope that social media companies and app creators such as Facebook, Twitter and WhatsApp will stop focusing on developing new ways to demand our attention and push constant notifications at us and start developing ways that make it easier for us to switch off.

In the US, we have seen the rise of the so-called "dumb phone" that can be used in conjunction with a smartphone, allowing users to leave their smartphone at home and go about their business for the day with a featureless phone that only makes and receives calls from the same number. Perhaps we need an easier method than deleting all of our apps to turn off our smartphones' multiple features so that they operate just as phones.

The big tech companies could be doing much more both to help us mitigate the negative effects of their technology and to help us understand it. In much the same way as the gambling industry and the alcohol industry contribute funds from their profits to mitigate the negative effects of their products, I see no reason why the big technology companies could not contribute to some sort of fund that supports research into the health impact of their products and services and helps to promote healthy use of their technology. That could apply to everything from using a smartphone to combating online abuse and bullying. I hope the Chancellor will be willing to look at that further.

Many tech companies do conduct their own research, and that is good, but these products need to be scrutinised by independent research. No industry should be able to mark its own homework; that applies as much to Google, Apple and Facebook as it does to any other industry. What I am calling for is cross-party consensus that we have not necessarily got our approach right and that more needs to be done to understand the potential impact of technology on our lives. People need power and control over their use of these technologies, instead of feeling that they have become captured by them.

The conversation needs to continue. I am considering setting up an all-party parliamentary group to further these discussions, and if Members in the Chamber would be interested in joining such a group, perhaps they could let me know. The Government have asked the chief medical officer to look at guidance on technology

use and they may be considering setting up an internet regulator. I would be interested to hear if the Minister has any update on that in the context of the debate as well as any other thoughts she has on this issue.

4.57 pm

John Lamont (Berwickshire, Roxburgh and Selkirk) (Con): I congratulate the hon. Member for Rutherglen and Hamilton West (Ged Killen) on leading such an interesting debate. It seems that technology has been developing at such a fast rate in the last decade or so that politicians, parents, teachers and many others, as well as rules and legislation, are struggling to keep up. With mobile phones now an integral part of life for most people, it is easy to understand how some may have become addicted to, or at least over reliant on, their tech.

In our work as politicians, we are expected to have a constant presence online, processing thousands of emails and absorbing thousands of messages on Instagram, Twitter and Facebook, to name just some of the platforms on which some of us operate. The same is true for those in many roles in the private and public sectors—and that is before we take into account how we use technology in our private lives or in education. Screen time is almost inevitable today, so I will focus my remarks on the effects of too much of it, regardless of whether we use the term "addiction."

It is well known that social media has an effect on mental health. My right hon. friend the Health and Social Care Secretary highlighted that when he announced this month that the chief medical officer is reviewing the impact that excessive social media can have on children's mental health. I very much look forward to reading Dame Sally Davies's findings, and I hope they will help parents—especially those who do not have a good grasp of social media and the internet—to understand better how to manage its use. It is unfortunately not surprising that on platforms where we show only the best of ourselves, our young people find it ever harder to feel as though they are achieving and content with their lives.

It is important not to vilify technology and blame it for all our social ills. Phones helped to bring about revolution in the Arab spring and to document the atrocious use of chemical weapons in Syria, and they have provided us with access to information that our predecessors could only have dreamed about. Social media has brought us all closer together and enabled us to stay in touch with our families and friends in a way that otherwise would not have been possible. People are now much more engaged with their representatives and the political system, which no longer feel so out of reach. Those benefits should concentrate our minds on ensuring that addiction to tech does not get out of hand and that people are trained to help when it does. In my constituency in the Scottish borders, the council is training young people in mental health first aid, which I hope will become an exemplar policy to others and go some way towards reducing the risks of tech.

I welcome the debate. I am more than happy to support the bid from the hon. Member for Rutherglen and Hamilton West for an all-party parliamentary group and I again congratulate him on securing this important debate.

5 pm

Hannah Bardell (Livingston) (SNP): It is a pleasure to serve under your chairmanship, Sir Edward. I again congratulate the hon. Member for Rutherglen and Hamilton West (Ged Killen) on initiating the debate. It is very timely, given how much discussion there has been recently about the impact of technology.

Let me give my own perspective. At home, my partner and I have instituted “no phones after 10 o’clock” and “no phones at the dinner table” rules. I have lost count of the number of times that I have been in restaurants and seen couples eating their dinner and then going on their phones and not even speaking to each other. I remember being particularly anxious about social media just before the summer recess. I was reflecting on it when I heard a BBC Radio Scotland programme in which the impact of social media was discussed. A guy whose name I have forgotten spoke about how he was starting to see his life through social media: we was looking at every experience he was having in the context of how it would be represented on his various feeds—Instagram, Twitter and Facebook. I thought, “Oh my goodness, I do exactly the same thing.” That really struck me and it made me stop and reflect, so when I was away on holiday in the Scottish highlands, I tried not to use my mobile phone and not to post online. I was not terribly successful. I even said in a post online that I was not going to be engaging with social media and I still failed, because I had a constituency issue that I needed to deal with.

The hon. Member for Berwickshire, Roxburgh and Selkirk (John Lamont) made excellent points about the way in which people now engage with their elected representatives through social media. I think that it is a very positive thing, but I have to say that when we are on various platforms and getting messages in our personal accounts as well as our MP accounts, sometimes it can be overwhelming. More and more I have found that my staff are managing not only an email inbox but a Facebook account inbox and checking the personal messages on Twitter. On a few occasions, I have bumped into people and they have said, “Oh, I sent you a message about x or y issue and I haven’t had a response.” I say to them, “Did you email me?” and they say, “No, no. I sent you a message on Facebook,” so I have to go and search for that message and it has perhaps ended up in a different filter.

We can all reflect on the impact that technology has had on our lives. The World Health Organisation declared “gaming disorder” an addictive behaviour disorder in June 2018. It is interesting to note that 28 academics wrote to the WHO, protesting that that was poorly informed by science. That feeds into the point made by the hon. Member for Rutherglen and Hamilton West about a lack of research. His proposal to make gaming companies feed into a fund that properly funds research is really important. We have to remember that many companies, particularly in Scotland, have developed games and make a significant contribution to the economy, but this is about balance. I was a gamer myself as a kid. I still have my Nintendo and my Sega Master System lying in a dusty heap in my mum’s loft. I remember having those very defined thumbs and playing old games such as California Games, but we have moved on a lot and now so much is on our phones. My four-year-old niece is champing at the bit to get a mobile phone, and her parents are resisting that, but she knows how to use every piece of technology in the house.

We have to face the reality that smartphones and smart technology are part of our everyday lives. The question is how we ensure that there is a balance. The world of play has been diminished by technology. People’s fears about letting their children out have increased, although I am not sure that there is really any more threat than there was when I was a kid and did not have a mobile phone. I would go to the local park and be out for hours, and my mother would phone round all the houses to find out where I was. We are now in a very different world, in which parents can contact their children 24/7. That is good in many respects, but we have to look at the wider issue of childhood obesity and children perhaps not going out to play in the same way as they did before.

The debate has been very interesting. I like the hon. Gentleman’s idea of setting up an all-party parliamentary group. I hope that the tech companies will come and discuss that with him. He made a point about what people see now on social media. It was interesting to see the report from the Select Committee on Digital, Culture, Media and Sport. It is not getting as good a response from the Government as it should be, and it would be good to hear the Minister address some of the issues around fake news—the issues that we saw during the EU referendum. It would be good to hear those being properly addressed, because there is a real risk as people move away from traditional media outlets, away from newspapers, on to social media. We must ensure that the news and information that people get online and on their social media platforms is absolutely accurate and not fake.

5.6 pm

Liam Byrne (Birmingham, Hodge Hill) (Lab): It is a pleasure to serve under your chairmanship, Sir Edward. I congratulate my hon. Friend the Member for Rutherglen and Hamilton West (Ged Killen) on securing the debate and on making a brilliant opening speech; he set out the issues with clarity and great purpose.

My hon. Friend started with the fact that it is just 10 years since Steve Jobs gave the world the iPhone. I was intrigued to discover, when researching for this debate, that when he introduced that new technology, he made extremely sure that he did not give it to his children. We now face a period in which we will be having this debate with increasing frequency. Statistics that I have seen show that some 40% of people now have some kind of internet-based addiction, whether that involves checking emails, scrolling through Facebook or Twitter, or online gambling. Indeed, figures that I came across this morning show that Generation Z—just slightly younger than yourself, Sir Edward—are now exposed to some 13 hours of media every single day.

We have to recognise that the technology companies that now pervade everyday life will need a very different kind of regulation in the years to come. I was delighted to meet representatives of the Centre for Humane Technology, from the United States, earlier this afternoon. They had a very good analogy. They were looking at various tech scandals around the world and made the point that sometimes, when we look at those symptoms, they are hurricanes, but the addictive technology at the centre is actually more akin to climate change. What we need to do as a legislature is figure out how to introduce

[Liam Byrne]

a new regulatory regime that will control that climate change. As Tim Berners-Lee said,

“social networks—they are manmade. If they are not serving humanity, they can and should be changed.”

Nearly 30% of children who spend more than three hours on social network sites show symptoms of poor mental health; that is compared with just 12% of children who spend no time on social network sites. It is becoming increasingly obvious to all of us that there is some link between the use of social media, the overuse of social media and, frankly, the mental illness epidemic among many of our young people.

We are also beginning to see significant differences in the ways in which people from different income groups relate to social media. I think that it was Ipsos that this week published research showing that children from better-off families use social media for three and a bit hours less than those from poorer families, and of course there are differences in the way it is used.

With regard to the most dangerous end of the spectrum, we have *The Telegraph* to thank for a very compelling campaign in which it showed how, at its worst, social media and addictive technology are used to hook children on gambling, particularly casino-style gambling, and to engage children in suicide games, such as the Blue Whale challenge, which has been linked to 100 teenage deaths in Russia. It is no surprise that earlier this year 50 psychologists in America wrote an open letter accusing many of their colleagues of unethical behaviour in advising technology companies on the misuse of addictive tech. If we compare that problem, which is becoming increasingly well defined, with the sort of social contract that we expect from social media firms, we start to see a gulf emerge.

I looked at figures for the taxes paid by social media firms, prepared for me by the Library. It is remarkable how most of the big tech firms in this country are paying very low rates of tax—1.5%, 5%, 6% or 10% at best. That is a long way below even our low levels of corporation tax. We are beginning to see with some clarity the externalities—as economists would call them—or pollution that is created by social media firms, and the taxpayer is expected to clear it up. Unless we begin to change the tax regime and the regulatory regime, this problem will become more pronounced.

The Government need to step up to their responsibilities. The Minister's former boss, the Secretary of State for Business, Energy and Industrial Strategy, and others have made a splash in the newspapers, wringing their hands in big interviews, but their concern has not translated into Government action. The Foreign Secretary recently told the newspapers that he thinks there should be safeguards, and that the failure of technology companies to provide these safeguards is “morally wrong” and “unfair on parents”. The chief medical officer has a review in hand and we are waiting with bated breath for the White Paper on internet safety, but I call on the Government to step up.

I have three pleas for the Minister. First, she should look closely at the recommendations that have been made by my hon. Friend the Member for Rutherglen and Hamilton West and by those on the Labour Front Bench who have called for a duty of care to be placed on social media companies. If I bought a chunk of

land, built a stadium and put loads of people in it, I would quite rightly be held to some pretty rigorous health and safety legislation. If I build a virtual forum, where I put loads of people, there are no obligations on me whatsoever. We need to ensure that there is a duty of care, which is rooted in some tried and tested legislation that goes back to the early 1970s. We need to ensure that the social media firms are understanding and analysing the dangers that their work can pose to their customers. We need them proactively to put in place measures to ameliorate that risk. That needs to be auditable and punishable with significant fines if these firms fall short of their obligations.

Dr Dan Poulter (Central Suffolk and North Ipswich) (Con): I am not at all unsympathetic to what the right hon. Gentleman is saying. There is a concern here that social media may be associated with poor mental health if it is overused, but there is a second issue to do with potentially addictive behaviour in gaming and social media use. It is very difficult to put in place mechanisms to fine the international companies responsible, or to make them adhere to good behaviour in recognising the risks.

Liam Byrne: That is an important point. The duty of care framework, which has been tried and tested in case law since the Health and Safety at Work, etc. Act 1974, is a useful, very British and pragmatic solution to these kinds of problems, because it puts the locus on the company to identify the harm it may cause and then take reasonable steps to prevent it.

I think that it is possible for an individual nation state to take action against these companies. That is what we see with the “NetzDG” law in Germany. One in six Facebook moderators work in Germany, which should not surprise any of us. There is a €50m fine if companies in Germany do not take down hate speech within 24 hours and wipe out all illegal content within seven days. I think it is possible for individual countries to introduce domestic regulations that can have a material effect, both on the safety of our fellow citizens and on the behaviour of some of these big companies. If the Government do not do it, we parliamentarians will have to try to build an international coalition for responsible tech. I hope that my hon. Friend's all-party parliamentary group can make strides towards not only a cross-party consensus in this Parliament, but brokering an international consensus.

Hannah Bardell: The right hon. Gentleman brings to the debate huge knowledge of the matter. Does he agree that one of the issues with content and responsibility online is pornography? The rise of online pornography has had a huge impact on behaviour, particularly that of young men. I commend to him the book “Misogynation: The True Scale of Sexism” by Laura Bates. I went to the Edinburgh international book festival, where she spoke about the rise of incidents in playgrounds, which schools do not necessarily have the tools to deal with, as well as young men becoming addicted to online porn, which is having an effect on their behaviour towards women. Does he agree that that is a serious issue, which we must work together, across parties, the UK and beyond, to tackle?

Liam Byrne: The hon. Lady is absolutely right. I have bored the Minister endlessly with this point, but during the 19th century there was not one Factory Act, but 17. As business, technology and marketplaces change, we have to update the legislation.

The Minister knows that if we are to maximise the degree of predictability and certainty for the business world and others, there is a good case for setting out a bill of digital rights for the 21st century. That would include all sorts of useful things, for example enshrining the right to privacy—enshrined in article 8 of the European charter of fundamental rights—and action on algorithmic justice. It could also include some of the initiatives, devices, techniques and legislative approaches, such as the duty of care legislation. I hope that is something that my hon. Friend's all-party parliamentary group will be able to discuss. If we want a set of principles that can withstand the test of time, and underpin the reform and re-reform of this sector over the course of the 21st century, we will have to work hard to build that cross-party consensus not only in this country, but around the world.

5.16 pm

The Minister for Digital and the Creative Industries (Margot James): It is a pleasure to serve under your chairmanship, Sir Edward. I warmly congratulate the hon. Member for Berwickshire, Roxburgh and Selkirk.

Ged Killen: I am the Member for Rutherglen and Hamilton West.

Margot James: What a bad start! I do apologise to the hon. Member for Rutherglen and Hamilton West (Ged Killen) and to my hon. Friend the Member for Berwickshire, Roxburgh and Selkirk (John Lamont). Of course, I meant to thank the hon. Member for Rutherglen and Hamilton West. I share his amazement that it has only been 10 years since the advent of the Apple iPhone. He made an excellent speech, and I identified, as I am sure other hon. Members did, with the examples he gave of the intensity of the relationship that so many of us have with our devices, and how that is—in his view and mine—tipping over to the point where we question whether it is healthy.

The shadow Minister mentioned the Centre for Humane Technology, an excellent organisation, which was founded by scientists and researchers employed by the large social media platforms. One of them, an ethicist working for one of the major platforms, was tasked with trying to bring a more ethical framework to the development of apps and activity on that particular platform. He bowed out with the rather depressing realisation that change was not possible from within and that he would have more effect from outside, so he founded this organisation.

That is a powerful reminder that there is a difficulty in the perceived conflict in companies' need for more and more of our attention. It really is a competition for attention and, for the companies that get it, the question then is how to keep it. That is the driving force behind the algorithms that are constantly developing and furthering the reach of these platforms into our lives. It is very important that we monitor usage and that we expect more from technology companies in terms of putting right some of the things that are alleged to have gone wrong, as the hon. Member for Rutherglen and Hamilton West said.

My hon. Friend the Member for Berwickshire, Roxburgh and Selkirk made the point that although the debate is about addiction, we are also talking more broadly about excessive screen time. There is a scale, running from what might be called a healthy amount of screen time, which might tip over into dependency, over-involvement and straightforward addiction.

Hannah Bardell: Is the Minister aware that some health research has shown that we hold our breath when we are checking our emails and our phones, which denies the brain oxygen?

Margot James: I always learn something new when I am answering debates. I did not know that. I am not sure that I look forward to finding out more about it, but I certainly will.

We are undoubtedly living in an age where mobile devices mean that people feel compelled to be connected at any time. The hon. Member for Livingston (Hannah Bardell) clearly made that point when she talked about her desire for some off-screen time in her personal time in the countryside, which proved difficult. We have dwelt on the darker side of those devices and platforms during the debate, because we are talking about addiction, but it is incumbent on us to recognise that a great deal of positivity has come forth from those devices.

We are looking at the impact on children and young people, to whom we have a particular responsibility. Youth policy is one of my Department's responsibilities, so that is close to our hearts. The chief medical officer, Professor Dame Sally Davies, is reviewing the impact that internet use can have on children's mental health. There are no results from that yet, because it was requested only about a month ago by the new Secretary of State for Health and Social Care, who, I am delighted to inform hon. Members, shares the concerns that we have heard and is in a position to do more about them in the Department of Health and Social Care.

Liam Byrne: As the Minister knows, the national health service is under tremendous strain. What arguments is she making to Her Majesty's Treasury to do something about the low rates of tax paid by those companies, so that there is money to do something about the problem?

Margot James: As the right hon. Gentleman knows, tax is a matter for the Treasury. The Chancellor indicated that he was looking at a digital services tax in his speech a few weeks ago. His first priority is to gain international agreement for the fairer taxation of technology companies, particularly these platforms. Actually, I should retract that; I do not think that he said particularly these platforms, but he did say that he wanted an international agreement for the fairer taxation of technology companies as his first priority. If he does not get that, I am told that he will introduce a tax unilaterally in the United Kingdom.

The health review will cover important and diverse issues, including cyber-bullying, online gaming, sleep problems and problematic internet use. I gather that the chief medical officer's report will be published next year, and I will try to get a handle on when within that 12-month period we can expect it.

The Department of Health and Social Care has also reviewed evidence on the impact that social media can have on children, which showed that those who spend more than three hours using social media on school days are twice as likely to report high or very high scores for mental ill-health. The right hon. Member for Birmingham, Hodge Hill (Liam Byrne) said that he had seen research showing a socio-economic difference in the amount of screen time, which, along with the research I have mentioned about some sort of causal link in the

[Margot James]

time spent, shows that digital technology is in danger of widening the social gaps in society, although it has the potential to bring people together. We obviously need to work to ensure that the latter prevails. The Government have made children and young people's mental health a top priority for the NHS, and a major programme to improve access to specialist services is supported by £1.4 billion of new funding.

We are also looking at the use of smartphones in schools, which I know inspires strong passions. I have seen some initial results from that analysis, and most schools have rules in place that require that smartphones are not visible during school hours. We need to see more research on whether that is universally applied.

The Government believe that schools are best placed to make decisions about how best to use technology. Headteachers are empowered to manage mobile phone usage. Many schools and parents would appreciate more guidance, however, which we are working on across Government, inspired by the commission of the Secretary of State for Health and Social Care to the chief medical officer to advise on the mental health impact of social media and smartphone usage.

On internet safety in the wider sense, the overuse of technology and concerns about online harms are not limited to young people. Our forthcoming joint Department for Digital, Culture, Media and Sport and Home Office White Paper will be published in the winter. It will set out a range of legislative and non-legislative measures and will detail how we propose to tackle online harms. It will set clear responsibilities for tech companies to keep citizens safer.

The right hon. Member for Birmingham, Hodge Hill asked whether we would look to place a duty of care on social media platforms. That route is certainly worthy of consideration. It is a proven method in other areas, and we will look at its relevance to the online world. Working with the Department of Health and Social Care and across Government, we will develop proposals targeted at improving the ability of users. We are also reforming the UK council for child internet safety so that it no longer focuses exclusively on children. Children will continue to be a top priority, but its remit will be widened.

In response to the hon. Member for Livingston, video games are indeed enjoyed by a large number of people across the UK. For the majority of people, that is a recreational activity, but research shows that, for a minority, their gaming can become excessive, to the extent that they prioritise it over other activities and experience negative effects from it. In recognition of that, as the hon. Lady mentioned, the World Health Organisation has recognised the potential to diagnose gaming disorder in some circumstances. It has not reached a conclusion yet, but I gather that it is working on it. Through its internet safety strategy, my Department is working to improve online safety in games, including by promoting healthy and responsible gaming. To do that, we will work closely with the gaming industry and

organisations such as the Video Standards Council. Gaming will also be an important part of our internet safety White Paper.

On isolation and loneliness, I pay tribute to the Under-Secretary of State for Sport and Civil Society, my hon. Friend the Member for Chatham and Aylesford (Tracey Crouch). She has taken responsibility for tackling loneliness, which affects between 5% and 18% of the UK population, and social media is often highlighted as a cause. The strategy includes how Government can set a framework to enable local authorities, the third sector and businesses to support people's social health.

Research suggests that the reality of social media and its connection to people's relationships is nuanced and that how negative or positive the impact is depends on which social media service is being used and whether it is substituting for or complementing real-life interactions. For example, there are applications that help new mothers to stay more connected through difficult early stages of parenthood and products that use artificial intelligence to provide real-life experiences for those unable to leave their homes. If used correctly, the technology has real potential to break down barriers and improve the situation that isolated people might be exposed to. That is why social media companies are a core part of initiatives to tackle isolation. Digital means of bringing people together can be especially important to people with mobility problems and families separated by distance.

Technology can be and largely is a powerful force for good. It serves humanity, spreads ideas, and enhances freedom and opportunity across the world. However, what we have heard today gives us great pause for thought. It is informing our deliberations on online safety and I look forward to the continued debate with colleagues here in this Chamber and beyond as we develop our White Paper. We look forward to hearing their further thoughts on the various actions that we might take.

5.31 pm

Ged Killen: I see that the Division bells have just rung, and I know that proceedings are running late, so I do not intend to use my full time this afternoon.

We have had an excellent debate and I have learned a lot of new things, particularly from the hon. Member for Livingston (Hannah Bardell) about my breathing and using technology, which I look forward to looking into further, and from my right hon. Friend the Member for Birmingham, Hodge Hill (Liam Byrne), who has given me much to think about in my new APPG. I thank the Minister for coming here today. There is a lot of agreement on this issue and I look forward to working with her and other Members on it.

Question put and agreed to.

Resolved,

That this House has considered addictive technology.

5.31 pm

Sitting adjourned.

Written Statements

Tuesday 23 October 2018

TREASURY

Mutual Deferred Shares

The Economic Secretary to the Treasury (John Glen): The Government have decided not to lay the secondary legislation required to give effect to the provisions in the Mutuals' Deferred Shares Act 2015, which enable mutual insurers to raise equity by issuing mutual deferred shares (MDS). The Government have consulted widely with industry representatives in reaching their decision. During that consultation, industry representatives informed the Government that mutual insurers would only issue MDS if they qualified as tier 1 regulatory capital and would not alter the tax status of any mutual that issued MDS. It has not been possible to design MDS which meet both these criteria. The Government have, therefore, decided not to lay the regulations. The Government would reconsider their position if any material factors changed in the future.

[HCWS1026]

JUSTICE

Prison Service Pay Review Body: Interim Chair

The Minister of State, Ministry of Justice (Rory Stewart): I am pleased to announce that the Prime Minister has appointed Mr Jerry Cope as interim chair of the Prison Service Pay Review Body for a period of one year which commenced on 10 September 2018 and which ends on 9 September 2019. The appointment has been made in accordance with the governance code on public appointments.

Mr Cope will ensure that the Pay Review Body has the necessary leadership while a recruitment campaign takes place to identify a permanent chair.

[HCWS1025]

NORTHERN IRELAND

Independent Reporting Commission

The Secretary of State for Northern Ireland (Karen Bradley): I have received the first substantive report from the Independent Reporting Commission (IRC).

The IRC was established by the UK Government and the Irish Government by way of an international treaty to report on progress towards ending paramilitary activity connected with Northern Ireland. This emanated from the Fresh Start agreement of November 2015. The agreement set out the Northern Ireland Executive's responsibility for tackling paramilitary activity and associated criminality. This work is being taken forward through a Northern Ireland Executive action plan which contains 43 recommendations.

This is a significant report which benchmarks the progress which has been achieved to date and reminds us of the challenging work still to be done to ensure that communities are freed from the threat of paramilitarism.

The absence of a functioning Executive has obviously had an impact on this important work. Despite intensive efforts it has not yet been possible for the parties in Northern Ireland to reach political agreement. I remain resolute in finding a way forward in relation to that. This is why I am taking legislation through this House to provide for a limited period in which the parties can engage in talks and form an Executive.

I have today presented this report, along with the IRC's annual report and accounts for 2017-18, to Parliament.

I would like to thank the commissioners for all of their work to date.

[HCWS1027]

ORAL ANSWERS

Tuesday 23 October 2018

	<i>Col. No.</i>		<i>Col. No.</i>
HEALTH AND SOCIAL CARE	115	HEALTH AND SOCIAL CARE—continued	
A&E: West Midlands	123	NHS Innovation	115
Antimicrobial Resistance	130	NHS: Value for Money and Efficiency.....	118
Cancer: Early Diagnosis.....	126	Orkambi	128
Childhood Obesity	117	Preventive Care	129
Global Mental Health Summit	121	Public Health Funding.....	131
Health and Social Care Hubs.....	124	Radiotherapy	123
Leaving the EU: Access to Medicines	127	Topical Questions	132

WRITTEN STATEMENTS

Tuesday 23 October 2018

	<i>Col. No.</i>		<i>Col. No.</i>
JUSTICE	3WS	TREASURY	3WS
Prison Service Pay Review Body: Interim Chair.....	3WS	Mutual Deferred Shares.....	3WS
NORTHERN IRELAND	4WS		
Independent Reporting Commission.....	4WS		

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CONTENTS

Tuesday 23 October 2018

Oral Answers to Questions [Col. 115] [see index inside back page]

Secretary of State for Health and Social Care

Abortion [Col. 141]

*Motion for leave to bring in Bill—(Diana Johnson)—on a Division, agreed to
Bill presented, and read the First time*

Civil Liability Bill [Lords] [Col. 150]

As amended, considered; read the Third time and passed

Electricity [Col. 244]

Motion—(Iain Stewart); Division deferred till Wednesday 24 October

Petitions [Col. 245]

Elder Abuse [Col. 249]

Debate on motion for Adjournment

Westminster Hall

HELMS and the Green Deal [Col. 33WH]

Future of BBC Parliament [Col. 57WH]

Drugs Policy [Col. 65WH]

Dead Man's Penny Memorial Plaque [Col. 91WH]

Addictive Technology [Col. 97WH]

General Debates

Written Statements [Col. 3WS]

Written Answers to Questions [The written answers can now be found at <http://www.parliament.uk/writtenanswers>]
